

JOURNALS
OF THE
SENATE
OF
ALABAMA

SPECIAL SESSIONS 1950

HELD IN THE CITY OF MONTGOMERY



**WITH INDICES PREPARED BY THE SECRETARY OF THE
SENATE**

Brown Printing Co.
Printers—Binders
Montgomery, Alabama

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STATE OF ALABAMA

JOURNAL
OF THE
SENATE
OF
ALABAMA

FIRST SPECIAL SESSION 1950

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING MONDAY, JUNE 19, 1950**



**WITH AN INDEX PREPARED BY THE SECRETARY OF THE
SENATE**

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JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
EXTRAORDINARY SESSION 1950

FIRST DAY
MONDAY, JUNE 19, 1950
MONTGOMERY, ALABAMA

BE IT REMEMBERED, that on the 5th day of June, A. D., 1950, James E. Folsom, Governor of the State of Alabama, issued his proclamation in words and figures following, to-wit:

A PROCLAMATION BY THE GOVERNOR

WHEREAS, the members of the Constitutional Convention who prepared and promulgated the Constitution of 1901 recognizing that population shifts would occur in the State of Alabama from time to time; and the voters of the State who by their ballots ratified said Constitution, understanding the provisions of apportioning membership in the House and the Senate after each decennial census, beginning in 1910, as provided by Sections 199 and 200 of said Constitution; and

WHEREAS, each of the several Legislatures which have convened since the decennial census of 1910, including the present Legislature, have failed to perform the duty required of it by said Sections 199 and 200 of said Constitution, and the membership thereof has failed or refused to keep and perform the oath of office to which they each subscribed upon entering upon the duties of their respective offices; and

WHEREAS, there has been and is great criticism throughout the State of Alabama of the present Legislature for its failure to comply with said Sections 199 and 200 of the Constitution of Alabama of 1901; and

WHEREAS, there exists an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, James E. Folsom, as Governor of the State of Alabama, do hereby proclaim such extraordinary occasion to exist and I proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 9:00 o'clock A. M. on Monday, the 19th day of June, 1950, and I do hereby designate the following suggestions and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1. To pass an act proposing an Amendment to Section 197 of the Constitution of Alabama of 1901 providing for one Senator from each County in the State of Alabama.

2. To pass an act proposing an Amendment to Section 200 of the Constitution of Alabama 1901 to provide that the State of Alabama be divided into sixty-seven (67) Senatorial Districts, each district to consist of one county, and providing that counties created after the adoption of this amendment shall constitute an additional Senatorial District, and to provide that one Senator be elected in and for each Senatorial District.

3. To pass or adopt an act or resolution providing for the holding of a Convention to alter, revise or amend the Constitution of the State of Alabama, and especially to provide for reapportionment of the Legislature as provided in the Constitution of 1901, and submitting the question of Convention or no Convention to a vote of all of the qualified electors of the State of Alabama for their approval, as provided by Article XVIII of the Constitution of Alabama of 1901.

4. To provide for the passage of any local legislation applicable to single counties or subdivisions thereof.

Done at the Capitol of the State of Alabama on this the 5th day of June A. D. 1950.

JAMES E. FOLSOM,
Governor.

ATTEST:

SIBYL POOL,
Secretary of State.

Pursuant to such proclamation, at the hour of 9 o'clock A. M. on Monday, June 19, 1950, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Honorable J. Clarence Inzer, Lieutenant-Governor and President of the Senate. J. E. Speight, Secretary was present and acted as such, according to law.

PRAYER

The Session was opened with prayer by Dr. H. E. Russell, Pastor, Trinity Presbyterian Church.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Patterson
Allen	Fite	Howle	Patton
Barrett	Gaither	Hughes	Perry
Boutwell	Glover	Kendall	Quarles
Bridges	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Wright
Coleman			

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LEAVE OF ABSENCE

On motion of Mr. Patterson, indefinite leave of absence was granted Mr. Hooton.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to vacancies which have occurred in the Senate of Alabama since your last meeting.

Respectfully submitted,
W. V. (BILL) LYERLY,
Secretary to the Governor.

June 19, 1950

To the Senate of Alabama
Montgomery, Alabama

Gentlemen:

I am transmitting to you a list of the vacancies that have occurred in the Senate of Alabama since your last meeting:

FIFTH SENATORIAL DISTRICT:

C. J. Owens.....Deceased

THIRTY-THIRD SENATORIAL DISTRICT:

Joseph N. Langan.....Resigned

Respectfully,
JAMES E. FOLSOM,
Governor.

June 19, 1950

Mobile 5, Alabama

May 26, 1950.

Hon. James E. Folsom
Governor of Alabama
State Capitol
Montgomery, Ala.

Dear Governor:

I have read in the papers that you are contemplating the calling of a special session of the Legislature sometime prior to the expiration of the term of the present members in November. I feel that my acceptance of your appointment as a member of the County Commission of Mobile County vacated my seat as a member of the Alabama Senate, but in order that there will be no question of the same I am herewith tendering my resignation. In this way if you are desirous of calling a special session it will be necessary to have a special election in Mobile County to elect someone to fill this vacancy.

I accepted this appointment as County Commissioner on your assurance that you did not plan calling a special session as I would not have resigned to accept another appointment when the people of Mobile had elected me to another job and thereby put the County to the expense of a special election. However, as the people have voted for Mr. Johnston to represent them as their Senator in the next Legislature it is best that I resign that he might take up his duties immediately.

Assuring you that it was a pleasure to work with you for such great projects as reapportionment, repeal of poll taxes, a Constitutional Convention, defeat of the Boswell substitute and other legislation for the benefit of all the people of Alabama instead of special privileges, I remain

Respectfully yours,
(Signed) JOSEPH N. LANGAN,
Joseph N. Langan.

RECEIVED
MAY 29, 1950
Governor's Office.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to the vacancies in the Senate, was read and ordered spread upon the Journal.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Patton:

S. B. 1. To prohibit members of the Legislature from receiving or agreeing to receive, any consideration for procuring any contract, appointive office or place from the State of Alabama or any agent or agency thereof, or for giving any such contract, appointive office or place; prohibiting them from giving, or agreeing to give, any consideration for the procuring of any such contract, appointive office or place; making any such agreements null and void; prohibiting members of the Legislature, with certain exceptions, from accepting any employment, position, or office of profit under the State of Alabama or any agency thereof, or from receiving any consideration, compensation, or profit for any services rendered to the State of Alabama or any agency thereof; and fixing penalties for the violation of the provisions of the Act.

Committee on Judiciary.

By Mr. Patton:

S. B. 2. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one senator from each county; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature; and providing for the payment of the expenses of holding the election.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Lowe:

S. B. 3. To abolish the State Board of Pardons and Paroles created by Section 1 of Title 42, Code of Alabama (1940).

Committee on Judiciary.

By Mr. Lowe:

S. B. 4. To provide a continuous, coordinated, and integrated system of corrections: creating the State Department of Corrections and abolishing the existing Department of Corrections and Institutions; establishing within the new department the State Board of Corrections and the office of Commissioner of Corrections, and the Bureau of Pardons and Paroles.

Committee on Public Welfare and Correctional Institutions.

By Mr. Wright:

S. B. 5. Relating to Talladega County: proposing an amendment to the Constitution of Alabama relative to regulating the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega County.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Perry:

S. B. 6. To amend Section 298, Code of Alabama, 1940, as amended in the 1947 Regular Session of the Legislature by Act No. 234 approved under Section 125 of the Constitution which relates to the minimum age at which children may enter public school.

Committee on Education.

By Mr. Henderson:

S. B. 7. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector and providing therefor and ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Henderson:

S. B. 8. To provide for the construction and maintenance of a demonstration project in highway right-of-way maintenance for experimental purposes and to make an appropriation for that purpose.

Committee on Finance and Taxation.

By Mr. Henderson:

S. B. 9. To amend Section 619 of Title 51, Code of Alabama (1940), which relates to the privilege or license tax levied on the recordation of mortgages, deeds of trust, conditional sale contracts, and other instruments executed to secure the payment of debts; exempting loans for agricultural purposes from such levy.

Committee on Finance and Taxation.

By Mr. Henderson:

S. B. 10. Providing for and requiring instruction in the public schools concerning the influence and effect of alcohol on human health and behavior; creating the position of Supervisor of Temperance Education in the State Department of Education with assistants and clerical help, defining his duties and powers related to such instruction; fixing the salary of the Supervisor, and allocating funds therefor; and requiring reports by county and city superintendents of education concerning such instruction.

Committee on Temperance.

By Mr. Patterson:

S. B. 11. To amend Section 301 of Title 55 of the Code of 1940.

Committee on Judiciary.

By Mr. Patterson:

S. B. 12. To amend Article II, Title 13, Sections 31, 32 and 33 of the Code of Alabama of 1940, as amended by Act No. 243 of the 1949 Regular Session of the Legislature, to provide supernumerary judges for courts of record; to prescribe their tenure, duties, powers, fix their compensation, method of payment, and to prescribe the terms and conditions under which members of the Supreme Court and the Court of Appeals and Circuit Judges may become such.

Committee on Judiciary.

By Mr. Patterson:

S. B. 13. To provide law clerks to be appointed by the Chief Justice and the Associate Justices of the Supreme Court, to prescribe their duties and fix their compensation.

Committee on Judiciary.

By Mr. Patterson:

S. B. 14. To amend Section 368 of Title 15 of the Code of Alabama (1940), which relates to the manner of taking appeals in criminal cases.

Committee on Judiciary.

By Mr. Burnside:

S. B. 15. To make an additional appropriation for regional education for the fiscal year ending September 30, 1950.

Committee on Finance and Taxation.

By Mr. Quarles:

S. B. 16. To make appropriation of one hundred and fifty thousand dollars (\$150,000.00) or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

Committee on Finance and Taxation.

By Mr. Fite:

S. B. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Marion County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Marion County and the location of new industries or businesses therein, to become a stock holder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Committee on Local Legislation.

By Mr. Fite:

S. B. 18. To submit to a vote of the qualified electors of the State the question of holding a convention for the purpose of revising the Constitution of Alabama, and to provide for the election of the delegates and to provide for the holding of the convention in the event a majority of the electors voting at the election favor it.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Fite:

S. B. 19. To provide and submit to the qualified electors of the State of Alabama, an amendment to the Constitution prescribing the number of Senators in the Alabama State Senate.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Fite:

S. B. 20. To provide and submit to the qualified electors of the State of Alabama, an amendment to the Constitution prescribing the number of Senators in the Alabama State Senate.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Patterson:

S. B. 21. To propose an amendment to the Constitution of Alabama to provide that no poll tax or other tax shall be levied upon or collected

from any person as a prerequisite to voting; ordering an election upon the proposed amendment at the general election next succeeding the present session of the Legislature.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Hardwick:

S. B. 22. To provide for the election and terms of city commissioners in certain Class "D" cities; and providing for the holding of elections in such cities to determine whether the provisions of the Act shall be adopted.

Committee on Judiciary.

By Mr. Hardwick:

S. B. 23. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one Senator from each county; ordering an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next General Election in November 1950.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gullledge:

S. B. 24. To provide further for the registration of births; and prescribing penalties for violations of the Act.

Committee on Public Health.

By Mr. Gullledge:

S. B. 25. To amend Section 298 of Title 52 of the Code of Alabama (1940), which relates to the minimum age at which children may attend school.

Committee on Education.

By Mr. Gullledge:

S. B. 26. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.

Committee on Judiciary.

By Mr. Gullledge:

S. B. 27. To regulate trafficking in poles, posts, logs, or parts thereof, whether growing or dead, standing or cut down: requiring vendors of poles, posts, logs, or parts thereof taken or severed from the lands of another to be licensed by the Department of Conservation; invalidating sales of such poles, posts, logs, or parts thereof, unless bills of sale are executed; imposing upon buyers the rule of caveat emptor as to such sales; defining violations of the Act and prescribing penalties therefor.

Committee on Forestry and Conservation.

By Mr. Gullledge:

S. B. 28. To make it unlawful to sell any spirituous, vinous, or other alcoholic beverage, except malt or brewed beverages, in any place except stores operated by the Alabama Alcoholic Beverage Control Board; provide for the purchase by the Alabama Alcoholic Beverage Control Board of any stock in the hands of dealers when this Act becomes effective.

Committee on Temperance.

By Mr. Gulledge:

S. B. 29. To amend Section 73 of Title 29 of the Code of Alabama (1940) which relates to unlawful sites for liquor stores.

Committee on Temperance.

By Mr. Gulledge:

S. B. 30. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. B. 31. Proposing an amendment to the Constitution relating to sessions of the Legislature, and ordering an election thereon.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gulledge:

S. B. 32. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gulledge:

S. B. 33. To require each county and city superintendent of schools to publish annually a list of all teachers employed for the current school year.

Committee on Education.

By Mr. Gulledge:

S. B. 34. To make it a misdemeanor for any state official or employee to use or permit any other person to use a state-owned automobile or other motor vehicle for any purpose other than official state business.

Committee on Judiciary.

By Mr. Gulledge:

S. B. 35. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

Committee on Privileges and Elections.

By Mr. Gulledge:

S. B. 36. To supplement Chapters 12 and 13 of Title 52 of the 1940 Code, which relate to teachers' training, certification, employment, and tenure; providing for the employment and payment of teachers in the public school system on a per annum basis.

Committee on Education.

By Messrs. Summerlin and Gulledge:

S. B. 37. Relating to legislative representation; fixing the number of senators and dividing the State into as many senatorial districts as there are senators.

Committee on Judiciary.

By Mr. Kimbrell:

S. B. 38. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize Fayette County and each municipality therein to acquire and dispose of all kinds of property, to promote the development of Fayette County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to Fayette County or the municipality.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Kimbrell:

S. B. 39. To propose an amendment to the Constitution of Alabama providing for the representation in the Senate and the House of Representatives; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature; and providing for the payment of the expenses of holding the election.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

RESOLUTION

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. WHEREAS the death of Senator Charles J. Owens has removed an outstanding leader and an able public servant of the State of Alabama, and

WHEREAS Charles J. Owens' contributions and efforts toward the advancement of the State of Alabama, as a State Senator, as a member of the Alabama House of Representatives, and as an outstanding business man, while bearing his afflictions with great fortitude, have been incalculable and of lasting importance, and

WHEREAS the State, his host of friends, and family have suffered a great loss in his passing, therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The passing of Charles J. Owens is deeply mourned by the Legislature of Alabama, and his memory revered.

2. The sympathy of the people of Alabama, through their legislative representatives, is hereby extended to the many friends and to the surviving relatives of the deceased.

3. The Secretary of the Senate is directed to forward to the family of Charles J. Owens a copy of this resolution.

And the Rules were suspended and said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House of Representatives to notify the Senate that the House of Representatives is now in session and is ready for the transaction of public business.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Roberts:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, the Senate concurring, that a Committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED that the said Committee ascertain and report back to these bodies if the Governor desires to address a joint session of the Legislature and if so, the time most suitable to His Excellency.

And the Speaker named as the Committee on the part of the House Messrs. Roberts, Benford and Larkins.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Senate concurred in and adopted the Resolution, H. J. R. 2, which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as committee on part of the Senate Messrs. Lamberth and Henderson.

RESOLUTIONS

Messrs. Coleman, Cater, Lowe, Wright, Clayton and Henderson offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. WHEREAS the people of Alabama have but recently nominated, or, if you please, elected, a new Governor and a new Legislature to conduct the affairs of this State for the next four years; and

WHEREAS the duty to conduct the State's affairs carries with it the right to determine what legislation may be best; and

WHEREAS there appears to be but little prospect of benefit to the State for this Legislature, during the last five months of its term of office, to debate again and at bitter length, questions which properly belong to the future government; and

WHEREAS the decennial census of the United States now being taken is not complete and no official report of the same will be available within the term of this Legislature:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that when the two houses adjourn today, they do adjourn sine die.

BE IT FURTHER RESOLVED, that the Speaker of the House and the President of the Senate, respectively, do appoint three members of the House and three members of the Senate, to wait upon His Excellency, the Governor, and to inform him of this resolution, and that the sense of the Legislature is that questions of legislation set out in the Proclamation of His Excellency do properly belong to the new Legislature, and that we now depart to leave them there.

Which was read and referred to the Standing Committee on Rules.

Mr. Swift offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. RESOLVED by the Senate and House of Representatives:

When the two Houses adjourn today they will meet again on Tuesday June 20th at 10:00 A.M. for the purpose of giving second reading to the two Constitutional Amendments embodied in the Governor's call; and when they adjourn on Tuesday June 20th they adjourn to meet again on Wednesday June 21st at 10:00 A.M., and before adjournment on Wednesday each House will vote on each of the constitutional propositions set forth in the Governor's call.

Which was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE

The Committee appointed to notify the Governor that the Legislature is now in session and awaits any communication from him, reported that His Excellency, the Governor, desired to address a Joint Session of the Legislature at 10 o'clock A. M.

JOINT SESSION

The hour of ten o'clock A. M., having arrived and on motion of Mr. Lamberth, the Senate repaired to the Hall of the House of Representatives for the purpose of the joint session to hear the message of his His Excellency, the Governor, to-wit:

TO THE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES OF ALABAMA:

You have been called into this special session because I feel a strong sense of my responsibility as the Chief Executive of our great State and am anxious to discharge as fully as possible the official duties I assumed when I took the oath of office as Governor, among which is the duty of enforcing the constitutional, as well as the statute, laws of the State of Alabama, and to give to you members of this outgoing legislature another opportunity to discharge the duties imposed upon you when you took the oath of your respective offices.

I have called you to consider these things:

1. To provide each county with a State Senator.
2. To provide for a Constitutional Convention.
3. To consider local bills.

The framers of the Constitution of the United States were among the wise men of all time and they, foreseeing the probably necessity of changes in our organic law, provided the method for such changes to be effected, and so, also, have all of our state constitutions provided the methods and the means by which they too may be changed, revised, altered and amended.

This question addressed itself to you. This is your responsibility.

Some believe that the Legislature should be apportioned the same as our National Congress. An example of that in Alabama would be this: apportion the Senate equally among the sixty-seven counties, then apportion the House of Representatives according to population. Others believe that both the Senate and the House of Representatives of Alabama should be apportioned on a strict population basis. Whatever we believe I think we all agree on one thing, that with the present census now completed some kind of rearrangement of the Alabama Legislature is a foregone conclusion. With that in view I have called you into this special session so that you may discuss and determine what changes should be made and adopt one of these methods of procedure provided therein for changing the provisions of our present Constitution, either by amending it to meet present conditions or calling a Constitutional Convention for that purpose. Then if the people approve in the November General Election we have ideal means for properly reapportioning the Legislature and providing the other needed reforms in our State Government.

I do believe, however, that the provisions of the Constitution of Alabama should be enforced, as well as the statute laws of the State, so long as they remain on our statute books as the law of the land, and so long as I am Governor, I shall use every power at my command to see that they are enforced.

The provisions of Article 9 of the Constitution of 1901 have been ignored by every legislature since 1910, and this Legislature has failed to carry out its provisions during either of the Regular Sessions of 1947 and 1949, and wholly ignored the provisions of this Article when you were formerly called into special session for the specific purpose of taking action to put it into effect.

The people of the whole State, from the Tennessee Valley to the Gulf, and from the Chattahoochee River to the Mississippi line are demanding that a more equitable distribution of legislative authority and power be given to the several counties. This is your duty under the Constitution and your responsibility under your oaths.

I, as Governor and Chief Executive Officer of this State, have performed my duty under my oath when I have called you into extraordinary session for the specific purpose of performing this duty under your oaths, and have delivered to you this message recommending that you take some action, either by carrying out the plain mandate of Article 9 of the Constitution of 1901, or by giving the voters of the state an opportunity to amend or revise its provisions. This is the least you can do as members of the Legislature under the oath taken when you assumed the duties of the office.

I recommend that Sections 197 and 200 Article 9 be amended so as to provide that the Senate of Alabama be composed of one member from each county in the State, and that each county of the State be made a Senatorial District. This in conformity with the plan and formation of our National Congress, recognized throughout the world as the most Democratic deliberative legislative body on the face of the earth, and this would forever insure legislative equality and protection for every county in the State, large or small, and also to each citizen.

I also recommend that an Act or Resolution be passed providing for the holding of a Constitutional Convention to alter, revise or amend our fifty year old Constitution, and especially to provide for reapportionment of the legislature as provided by the Constitution of 1901, and submitting the question of Convention or no Convention to a vote of all the qualified electors of the State of Alabama for their approval, as provided by Article 18 of the said Constitution. Providing for the holding of a Constitutional Convention is not a mandate of the present Constitution, as

are the provisions of Article 9 thereof, but it is a need that most informed and forward looking people recognize, and if this is done the question of reapportionment of representation in the legislature can be adjusted by the Convention without resorting to further amendments.

I am not unmindful of the fact that during the two Regular Sessions of the Legislature, and especially the one of 1949, that there were many perplexing and controversial issues presented and many matters of great interest to the individual members that occupied your minds and over shadowed a full consideration of this vital question. But, now as our respective terms of office are nearing completion, in the eventide of this administration, yours and mine, with no other important matters of State to engross your minds, I sincerely hope and believe that you will find time to give sober, calm, deliberate and conscientious consideration to the question of a more equitable representation in the legislature of Alabama; a representation based on justice to every County in the State alike.

This is the reason I have called you into extraordinary session at this time. Action on this vital constitutional question now is an emergency upon which the future welfare of all of the people of our beloved State depend. I leave it in your hands, with the hope and belief that you will give it the consideration it deserves and that you will perform your duty under your oaths, finish your task and adjourn in time that your proposals may be submitted to the voters for their decision at the General Election on November 7th next. In view of the fact that there is very little Committee work to be done let me respectfully suggest that you utilize the maximum number of working days each week as possible.

I want to remind you again I have called you into extraordinary session to consider three things:

1. To provide each county with a State Senator.
2. To provide for a Constitutional Convention.
3. To consider local bills.

A casual review of the Senate Roster will reveal that there are only five (5) Senators who are candidates to succeed themselves. This is brought about in the main by a vicious system which allows certain counties to enjoy the seniority privileges by returning their Senator every four years. Most of the counties are denied this advantage of seniority and experience, as well as one county representation. We are now in the process of electing a new legislature. Let us leave this new legislature, that is to be elected November 7th, a shining example of an outstanding Legislature who can do an outstanding job that has been neglected for one-half hundred years.

May God bless each of you in your deliberations and give you the wisdom to see and the heart to perform your duties unselfishly and for the good of all the people of our beloved State.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant-Governor Inzer.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Patterson
Allen	Fite	Howle	Patton
Barrett	Gaither	Hughes	Perry.
Boutwell	Glover	Kendall	Quarles
Bridges	Golson	Kimbrell	Russell
Burnside	Guilledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Wright
Coleman			

RESOLUTIONS

Mr. Lowe offered the following Senate Resolution, to-wit:

S. R. 4. Be It Resolved By the Senate of Alabama That:

WHEREAS, The Senator from the 10th senatorial district of Alabama has, during the time of office to which he was elected, accepted the appointment of Director of the Department of Public Welfare of the State of Alabama—an office of profit under the State of Alabama paying a salary of \$5,700 a year. Now,

THEREFORE, be it resolved by the Senate that the seat in the Senate from the 10th senatorial district of Alabama be and the same is hereby declared vacant.

Which was read and referred to the Standing Committee on Rules.

Messrs. Clayton and Coleman offered the following Senate Resolution, to-wit:

S. R. 5. WHEREAS, the Senator from the 10th senatorial district has during the term of office for which he was elected, accepted appointment as Director of the Department of Public Welfare of the State of Alabama, and entered upon his duties as such, and

WHEREAS, there is now pending in the Senate of Alabama Senate Resolution No. 4, a copy which hereto is attached, now,

THEREFORE, be it resolved by the Senate of Alabama that the Justices of the Supreme Court of Alabama, totally or a majority thereof, are requested to render this body a written opinion in answer to the following question:

(1) Did the Senator from the 10th senatorial district of Alabama, a seat to which he was elected, violate Section 280 of the Constitution of Alabama by the acceptance of the position of Director of the Department of Public Welfare of the State of Alabama?

(2) Is the office of the Senator from the 10th senatorial district of Alabama now vacant because of said violation?

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Merrill:

H. J. R. NO. 5. Be it resolved by the House, the Senate concurring that when the two houses adjourn today they meet back again on Wednesday June 21, 1950 at 10:00 A. M.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 5, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Patterson:

S. J. R. NO. 1. Expressing sympathy to the friends and surviving relatives of Senator Charles J. Owens.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 2. Relative to sine die adjournment of the Legislature today.

Mr. Coleman moved that the Senate adopt said resolution, which motion was lost.

Yeas 12; Nays 20.

Yeas:

Messrs.:	Clayton	Glover	Lowe	
Allen	Coleman	Golson	Summerlin	
Boutwell	Cooper	Henderson	Wright	
Cater				—12

Nays:

Messrs.:	Guilledge	Kendall	Patton	
Barrett	Hardwick	Kimbrell	Perry	
Bridges	Harvey	Lamberth	Quarles	
Burnside	Howle	Mize	Russell	
Fite	Hughes	Patterson	Swift	
Gaither				—20

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 5. Relative to requesting opinion from the Supreme Court regarding the Senator from the 10th Senatorial District as to whether or not he has violated Section 280 of the Constitution.

Mr. Clayton moved that the Senate concur and adopt the Resolution S. R. 5, and Mr. Patterson moved to lay on the table the motion of Mr. Clayton to adopt said resolution, and the motion to table resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Messrs.:	Fite	Howle	Mize	
Barrett	Gaither	Kendall	Patterson	
Bridges	Hardwick	Kimbrell	Perry	
Burnside	Harvey	Lamberth	Summerlin	
Cooper				—16

Nays:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Glover	Hughes	Russell	
Boutwell	Golson	Lowe	Swift	
Cater	Gulledge	Patton	Wright	
Clayton				—16

The President and Presiding Officer of the Senate voted "Nay", therefore, the motion to table was lost.

The question then recurred on the motion of Mr. Clayton to adopt said resolution, which resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Glover	Hughes	Russell	
Boutwell	Golson	Lowe	Swift	
Cater	Gulledge	Patton	Wright	
Clayton				—16

Nays:

Messrs.:	Fite	Howle	Mize	
Barrett	Gaither	Kendall	Patterson	
Bridges	Hardwick	Kimbrell	Perry	
Burnside	Harvey	Lamberth	Summerlin	
Cooper				—16

The President and Presiding Officer of the Senate voted "Yea" and said resolution was adopted by the Senate.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee, in session, has acted on the following Senate Joint Resolution and ordered same returned to the Senate without recommendation, to-wit:

S. J. R. 3. Relative to adjournment of the two Houses until Tuesday, June 20 and to meet again Wednesday, June 21 for the purpose of giving second and third readings, respectively, to the two Constitutional amendments embodied in the Governor's call.

Mr. Hardwick offered the following substitute for the resolution, to-wit:

Resolved by the Senate and House of Representatives.

When the two Houses adjourn today they will meet again Wednesday June 21 at 10:00 A. M. for the purpose of giving second reading to the two Constitutional Amendments embodied in the Governor's call: and when they adjourn on Tuesday, June 21st, they adjourn to meet again on Thursday, June 22nd at 10:00 A. M., and before adjournment on Thursday each House will vote on each of the Constitutional propositions set forth in the Governor's call.

Mr. Coleman offered the following substitute for Mr. Hardwick's substitute for the Resolution, to-wit:

Be it resolved by the Senate and the House of Representatives:

That when the two houses adjourn today, they adjourn to meet

again at 10:00 A. M., on Wednesday, June 21, and when they adjourn on Wednesday, they adjourn to meet again on Thursday, June 22nd, at 10:00 A. M.

On motion of Mr. Hardwick, the substitute offered by Mr. Coleman was laid on the table.

Yeas 19; Nays 13.

Yeas:

Messrs.:	Fite	Kendall	Patton	
Allen	Gaither	Kimbrell	Perry	
Barrett	Hardwick	Lamberth	Russell	
Burnside	Henderson	Mize	Summerlin	
Cooper	Howle	Patterson	Swift	—19

Nays:

Messrs.:	Clayton	Gulledge	Lowe	
Boutwell	Coleman	Harvey	Quarles	
Bridges	Glover	Hughes	Wright	
Cater	Goison			—13

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following Senate Joint Resolution with the original Senate Joint Resolution and finds same correctly enrolled, to-wit:

S. J. R. 1. Relative to: Expressing sympathy to the family of Charles J. Owens.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

RECESS

At twelve o'clock noon, on motion of Mr. Harvey, the Senate took a recess until 1:30 o'clock this afternoon.

AFTERNOON SESSION

FIRST LEGISLATIVE DAY

MONDAY, JUNE 19, 1950

The Senate re-assembled at 1:30 P. M., Lieutenant-Governor Inzer presiding.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Patterson
Allen	Fite	Howle	Patton
Barrett	Gaither	Hughes	Perry
Boutwell	Glover	Kendall	Quarles
Bridges	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Wright
Coleman			

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UNFINISHED BUSINESS

The Senate proceeded to further consideration of the Resolution:

S. J. R. 3. Relative to adjournment of the two Houses.
And pending substitute offered by Mr. Hardwick.

On motion of Mr. Hardwick, further consideration of the Resolution, S. J. R. 3, and pending substitute, was indefinitely postponed by the Senate.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 5. Relative to adjournment of the two Houses until Wednesday, June 21, 1950, at 10:00 o'clock A. M.

And said Resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Messrs. Merrill and Dumas:

H. J. R. NO. 6. WHEREAS, the Legislature of Alabama holds Speaker William M. Beck in high esteem; and

WHEREAS, the Speaker has suffered a great personal loss in the death of his sister, Mrs. Willie May Beck Wadsworth on June 15, 1950; therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

Section 1. The Legislature of Alabama expresses its profound grief in the passing of Mrs. Willie May Beck Wadsworth, and extends its most sincere sympathy to her bereaved family and Speaker William M. Beck.

Section 2. The Clerk of the House of Representatives is directed to send a copy of this resolution to the family of Mrs. Willie May Beck Wadsworth and to Speaker William M. Beck.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Senate concurred in and adopted the Resolution, H. J. R. 6, which is set out in the foregoing Message from the House.

COMMITTEE VACANCIES FILLED

The President and Presiding Officer of the Senate announced the following committee appointments:

Honorable Albert Boutwell to serve on Rules Committee, in vacancy created by resignation of Honorable Joseph N. Langan.

Honorable G. R. Swift to serve on Constitution and Constitutional Revision and Amendments Committee in vacancy created by death of Honorable C. J. Owens.

ADJOURNMENT

At 2:25 P. M., on motion of Mr. Russell and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, June 21, 1950 at ten o'clock A. M.

SECOND LEGISLATIVE DAY

WEDNESDAY, JUNE 21, 1950

The Senate met pursuant to adjournment, Lieutenant Governor Inzer presiding.

PRAYER

The session was opened with prayer by Rev. H. P. Mathison, Pastor, Capitol Heights Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Coleman	Henderson	Patterson
Allen	Cooper	Howle	Patton
Barrett	Fite	Hughes	Perry
Boutwell	Gaither	Kendall	Quarles
Bridges	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Wright
Clayton	Harvey	Mize	

—30

JOURNAL

On motion of Mr. Summerlin the reading of the journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Henderson, leave of absence was granted Mr. Swift for to-day.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Allen:

S. B. 40. To provide legal counsel for the Chief Examiner and Department of Public Accounts.

Committee on Judiciary.

By Mr. Allen:

S. B. 41. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. B. 42. To amend Section 1 of Title 52, Code of Alabama (1940), which relates to the qualification and selection of school trustees.

Committee on Education.

By Mr. Perry:

S. B. 43. To propose an amendment to the Constitution of Alabama fixing the terms of office and regulating the fees, commissions, allowances, and salaries of certain officers of Marengo County; and ordering an election upon the proposed amendment to be held on the date of the general election next succeeding the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Henderson:

S. B. 44. To provide further regulations governing the administration of pardons and paroles.

Committee on Judiciary.

By Mr. Patterson:

S. B. 45. To supplement Article 20 of Chapter 1 of Title 17 of the 1940 Code, by providing for placing the names of the candidates of political parties for President and Vice-President of the United States on the ballot in elections for presidential and vice-presidential electors.

Committee on Privileges and Elections.

By Mr. Patterson:

S. B. 46. To amend Section 110 of Title 51 of the Code of Alabama (1940), which relates to the procedure on appeals from decisions of boards of equalization.

Committee on Judiciary.

By Mr. Cater (by request):

S. B. 47. To amend sections 1 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the subordinate Lodges under its jurisdiction," as amended.

Committee on Judiciary.

By Mr. Cater (by request):

S. B. 48. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Committee on Finance and Taxation.

By Mr. Quarles:

S. B. 49. To abolish the Alabama Bridge Commission established by Chapter 2, Article 2, Title 23, Code of Alabama (1940) and to provide for winding up its affairs.

Committee on Public Roads and Highways.

By Mr. Quarles:

S. B. 50. Relating to the letting of contracts for the construction, reconstruction, repair, or maintenance of highways, causeways, roads, or bridges.

Committee on Public Roads and Highways.

By Mr. Mize:

S. B. 51. To make a special appropriation to the State Building Commission for the purpose of constructing and equipping new buildings at Bryce Hospital at Tuscaloosa.

Committee on Finance and Taxation.

By Mr. Mize:

S. B. 52. To authorize the employment of a stenographic secretary by the Judge of the Inferior Court of any county having a population of at least 76,000 and not more than 114,000 inhabitants according to the last or any subsequent Federal census, and authorizing the payment of the salary of such stenographic secretary out of the treasury of the county.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Fite, Vice-Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 34. To make it a misdemeanor for any state official or employee to use or permit any other person to use a state-owned automobile or other motor vehicle for any purpose other than official state business.

By Mr. Gullledge:

S. 26. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.

Mr. Fite, Vice-Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hardwick (without recommendation):

S. 22. To provide for the election and terms of city commissioners in certain Class "D" cities; and providing for the holding of elections in such cities to determine whether the provisions of the Act shall be adopted.

Mr. Fite, Vice-Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Summerlin and Gulledge:

S. 37. Relating to legislative representation; fixing the number of senators and dividing the State into as many senatorial districts as there are senators.

By Mr. Patton:

S. 1. To prohibit members of the Legislature from receiving or agreeing to receive, any consideration for procuring any contract, appointive office or place from the State of Alabama or any agent or agency thereof, or for giving any such contract, appointive office or place; prohibiting them from giving, or agreeing to give, any consideration for the procuring of any such contract, appointive office or place; making any such agreements null and void; prohibiting members of the Legislature, with certain exceptions, from accepting any employment, position, or office of profit under the State of Alabama or any agency thereof, or from receiving any consideration, compensation, or profit for any services rendered to the State of Alabama or any agency thereof; and fixing penalties for the violation of the provisions of the Act.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 7. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector and providing therefor and ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

The above bill was read a second time at length as required by the Constitution.

By Mr. Wright:

S. 5. Relating to Talladega County: proposing an amendment to the Constitution of Alabama relative to regulating the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega County.

The above bill was read a second time at length as required by the Constitution.

By Mr. Hardwick:

S. 23. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one Senator from each county; ordering an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next General Election in November 1950.

The above bill was read a second time at length as required by the Constitution.

By Mr. Patton:

S. 2. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one senator from each county; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature; and providing for the payment of the expenses of holding the election.

The above bill was read a second time at length as required by the Constitution.

By Mr. Kimbrell:

S. 38. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize Fayette County and each municipality therein to acquire and dispose of all kinds of property, to promote the development of Fayette County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to Fayette County or the municipality.

The above bill was read a second time at length as required by the Constitution.

By Mr. Gullledge:

S. 31. Proposing an amendment to the Constitution relating to sessions of the Legislature, and ordering an election thereon.

The above bill was read a second time at length as required by the Constitution.

By Mr. Gullledge:

S. 32. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

The above bill was read a second time at length as required by the Constitution.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite (without recommendation):

S. 18. To submit to a vote of the qualified electors of the State the question of holding a convention for the purpose of revising the Constitution of Alabama, and to provide for the election of the delegates and to provide for the holding of the convention in the event a majority of the electors voting at the election favor it.

The above bill was read a second time at length as required by the Constitution.

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 30. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

By Mr. Burnside:

S. 15. To make an additional appropriation for regional education for the fiscal year ending September 30, 1950.

By Mr. Quarles:

S. 16. To make appropriation of one hundred and fifty thousand dollars (\$150,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the present session of the Legislature.

By Mr. Henderson:

S. 8. To provide for the construction and maintenance of a demonstration project in highway right-of-way maintenance for experimental purposes and to make an appropriation for that purpose.

Mr. Russell, Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Fite:

S. 17. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Marion County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Marion County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Mr. Patterson, Chairman of the Standing Committee on Education reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 33. To require each county and city superintendent of schools to publish annually a list of all teachers employed for the current school year.

Mr. Clayton, Chairman of the Standing Committee on Privileges and Elections reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 35. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

Mr. Wright, Chairman of the Standing Committee on Public Health reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 24. To provide further for the registration of births; and prescribing penalties for violations of the Act.

Mr. Cooper, Chairman of the Standing Committee on Temperance reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 10. Providing for and requiring instruction in the public schools concerning the influence and effect of alcohol on human health and behavior; creating the position of Supervisor of Temperance Education in the State Department of Education with assistants and clerical help, defining his duties and powers related to such instruction; fixing the salary of the Supervisor, and allocating funds therefor; and requiring reports by county and city superintendents of education concerning such instruction.

COMMITTEE VACANCIES FILLED

The President and the Presiding Officer of the Senate announced the following committee appointments:

Hon. R. G. Kendall to serve as chairman of the standing committee on Municipalities and Municipal Organizations in vacancy created by the death of Hon. C. J. Owens.

Hon. A. L. Patterson to serve as Member of the Standing Committee on Finance and Taxation in vacancy created by the resignation of Hon. J. N. Langan.

RESOLUTIONS

Mr. Russell offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. Be It Resolved by the Senate, the House concurring, that when the two houses adjourn today, they adjourn to meet again on Thursday, June 22nd, 1950, at 10 o'clock A. M.

And the rules were suspended and the resolution adopted.

Mr. Patton offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. WHEREAS, the Department of Alabama, Veterans of Foreign Wars, is one of the leading veterans organizations in Alabama, and

WHEREAS, the members of this organization are composed of men who bore the brunts and sacrifices of saving our democracy and making it possible for us to live in peace today in this great State of Alabama, and

WHEREAS, we recognize that the members of this organization and their families make up approximately 75,000 of the voting public in the State of Alabama, and

WHEREAS, we recognize the great work that the V. F. W. as an organization is doing for our veterans in the state, and

WHEREAS, the State of Alabama saw fit to appropriate money to other veterans organizations for advertising at their National Conventions, and

WHEREAS, last year the State of Alabama furnished a certain sum of money for Highway Patrol cars and motorcycles for the V. F. W. National Encampment in Miami, Florida, and

WHEREAS, this form of appropriation is a fine means of advertising the State of Alabama and at the same time helping the veterans organizations of this state to make a good showing.

NOW THEREFORE BE IT RESOLVED, that the special session of the 1950 session of the Alabama Legislature do hereby make an appropriation to the Veterans of Foreign Wars for the sole purpose of advertising the State of Alabama at the National Encampment to be held in Chicago, Illinois, August 26 through September 3, 1950.

BE IT FURTHER RESOLVED, that \$10,000 be appropriated for de-

fraying expenses of a float, an outstanding band, Highway Patrol and Motor Scouts for the giant parade to be held in Chicago.

Which was read and referred to the Standing Committee on Rules.

Mr. Quarles offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. BE IT RESOLVED by the Senate, the House of Representatives concurring, that:

WHEREAS, The way of life of the southern people, civilization itself as we know it in the South, peace and good will between white and negro races, depending upon the maintenance of segregation and

WHEREAS, We are proud of the progress made in every way by the southern negro since reconstruction, and of the great part played by the southern white people in this progress.

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House of Representatives concurring, that:

We deplore the continuous efforts by the federal courts, the President of the United States and the Congress to destroy this principle of segregation of the races upon which southern civilization rests, and to seek to force intermingling of the races on their jobs, in homes, in public conveyances and in our schools. We insist upon recognition of our right to our laws and our customs and to local self-government in our local affairs.

We condemn as unAmerican and unwise the continuous efforts to change our laws and our customs by the federal government and its agents, and we urge them to refrain from acts which make more difficult the solution of the problems presented by the existence of the two races in the South.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States, to the Chief Justice of the Supreme Court and to the Senators and Representatives from Alabama in the Congress.

And the rules were suspended and the resolution adopted.

Mr. Quarles offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. Be It Resolved by the Senate, the House of Representatives concurring, that:

WHEREAS, The recent decisions of the United States Supreme Court involving the public schools of Texas and Oklahoma have placed in danger the entire principle of segregation in our schools and

WHEREAS, We will not submit to the intermingling of white and negro children in our public schools in Alabama contrary to the express provisions of our Constitution and our laws.

NOW, THEREFORE, BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, as follows:

We sincerely urge that the federal courts, agencies and employees exercise caution lest the relationship between the races, harmonious in the past, be embittered by the efforts of the federal government to seize power in local matters hitherto reserved to the local governments by the long-recognized principles of local self-government.

We reaffirm our faith in the rights of the states to administer their local affairs including their police power over race relationships and local customs.

We notify our senators and our representatives in the Congress that we expect them to protect us against the continual encroachment of a

powerful federal government in breaking down the rights hitherto well recognized of the states and of the local communities in relation to their citizens.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the President of the United States, to the Chief Justice of the Supreme Court and to the Senators and Representatives from Alabama in the Congress.

And the rules were suspended and the resolution adopted.

Mr. Quarles offered the following Senate Joint Resolution to-wit:

S. J. R. 10. BE IT RESOLVED by the Senate, the House of Representatives concurring, that:

WHEREAS, The cost of government in the United States today is about sixty billion dollars a year, and of this amount the federal government takes seventy-four percent, or fifty-four and one-half billions, a portion of which is returned to the states under the guise of grants-in-aid, with federal controls and

WHEREAS, This federal tax burden has become so great as to prevent adequate taxation on the part of the local governments to enable them to carry on their proper functions, and the programs which said grants-in-aid finance are largely matters of local concern, with which the federal government should have nothing to do, and over which it should have no control and

WHEREAS, These federal controls, and the great size of the federal government are rapidly leading us to a socialistic state, destroying the principles of local self-government and individual freedom and can end, if not stopped, only in a police state under which individual rights are lost and freedom destroyed and

WHEREAS, only by the assumption of their responsibilities by local governments can the danger of concentration of power in Washington be prevented.

NOW, THEREFORE, BE IT RESOLVED by the Senate of Alabama, the House of Representatives concurring, as follows:

That the federal policy and administration of grants-in-aid should be discontinued and the responsibilities involved in these programs assumed by the states, where they rightfully belong, and that the federal government should relinquish such revenues and sources of revenue as are necessary to finance these programs and make available these sources of revenue to taxation by the states and local governments.

BE IT FURTHER RESOLVED that the tax authorities and governing officials of the State of Alabama be authorized and requested to work with the proper officials of other states to bring about the end sought by this resolution.

BE IT FURTHER RESOLVED That a copy of this resolution be forwarded to the President of the United States and to the Senators and Representatives from Alabama in the Congress of the United States, to the Governor of Alabama and to the press.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Merrill:

H. J. R. 9. BE IT RESOLVED BY THE HOUSE OF REPRESENTA-

TIVES, THE SENATE CONCURRING that when the two Houses adjourn today, they adjourn to meet again Thursday, June 22, 1950, at 10 o'clock A. M.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The rules were suspended and the resolution, H. J. R. 9, set out in the foregoing Message from the House, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Russell:

S. J. R. 6. When the two houses adjourn today, they adjourn to meet again on Thursday, June 22nd, 1950, at 10 o'clock A. M.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Shelton:

H. J. R. 10. WHEREAS, it appears that an emergency exists in Bryce Hospital with reference to the admission of women patients, and

WHEREAS, many Alabama counties have waiting lists of emergency patients and the officials of Bryce Hospital have let it be known that there is not sufficient space, or beds, or facilities to take care of these patients; and it appears that conditions are critical in said institution.

THEREFORE BE IT RESOLVED that the Speaker of the House of Representatives and the President of the Senate appoint a committee consisting of three representatives and three senators to make a thorough investigation of the conditions at Bryce Hospital and report back to the Legislature at the earliest possible moment.

BE IT FURTHER RESOLVED that the necessary transportation and expenses be provided out of funds in the Treasury that may be available from the appropriation for the expenses of this session of the Legislature.

BE IT FURTHER RESOLVED that the committee make its report to the Legislature within five (5) days of their findings.

And the Speaker appointed as a Committee on the part of the House Messrs. Brown, Merrill and Adams (Jefferson).

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended and the Resolution, H. J. R. 10, set out in

the foregoing message from the House was concurred in and adopted.

The President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Boutwell, Kendall and Wright.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Quarles:

S. J. R. 9. Urging that the federal courts, agencies and employees exercise caution lest the relationship between the races, harmonious in the past, be embittered by the efforts of the federal government to seize power in local matters hitherto reserved to the local governments by the long-recognized principles of local self-government.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Quarles:

S. J. R. 8. Deploring the continuous efforts by the federal courts, the President of the United States and the Congress to destroy this principle of segregation of the races and condemning as unAmerican and unwise the continuous efforts to change our laws and our customs by the federal government and its agents.

And return same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day approved by the Senate.

ADJOURNMENT

At 11:10 A. M., on motion of Mr. Patterson, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, June 22, at 10 o'clock A. M.

THIRD LEGISLATIVE DAY

THURSDAY, JUNE 22, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened by Rev. Howard R. Allen, Minister, Catoma Street Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Patterson
Allen	Fite	Howle	Patton
Barrett	Gaither	Hughes	Perry
Boutwell	Glover	Kendall	Quarles
Bridges	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Wright
Coleman			

—32

JOURNAL

On motion of Mr. Summerlin the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Mize:

S. B. 53. To provide a supplemental appropriation to the Teachers' Special Pension Fund.

Committee on Finance and Taxation.

By Mr. Mize:

S. B. 54. To amend Section 1 of Act No. 607, S. 202, approved October 9, 1947 (General Acts of Alabama, 1947, page 456) entitled "An Act To make an annual appropriation to provide a retirement benefit to any State employee who had attained age 60 on or before October 1, 1945; who declined membership in the Alabama Employees' Retirement System in the manner prescribed in Section 3 of Act 515, approved July 9, 1945; and who retires with a minimum of 15 years of service as a state employee; and to provide a supplement to the retirement benefit of any state employee who had attained age 60 on October 1, 1945, and who is or will be retired under the provisions of Act 515, approved July 9, 1945 with a minimum of 15 years of service as a state employee, and who is not entitled under the provisions of said act 515 to receive a retirement benefit in excess of \$60.00 per month; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund appropriated by this act."

Committee on Judiciary.

By Messrs. Quarles, Lowe, Hughes, and Boutwell:

S. B. 55. To merge the building commission created by Section 365 of Title 55 of the Code of Alabama (1940), the commission to acquire land created by Section 15 of Title 55 of the Code of Alabama (1940), and the Alabama Building Corporation, with the Building Commission of

1945; and making an appropriation for the maintenance and operation of the Building Commission of 1945 for the next two fiscal years.

Committee on Finance and Taxation.

By Messrs. Quarles, Lowe, Hughes, and Boutwell:

S. B. 56. To amend Act No. 128, H. B. 129, approved June 16, 1945, entitled, "An Act To create a Building Commission and establish a fund therefor; to provide for its organization and to define its powers and duties; and to appropriate funds for the use of the Commission so created and provide how they may be allocated," (General Acts of 1945, pp. 116-125).

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Allen:

S. 41. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

By Mr. Cater (by request):

S. 48. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Mr. Russell, Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mize:

S. 52. To authorize the employment of a stenographic secretary by the Judge of the Inferior Court of any county having a population of at least 76,000 and not more than 114,000 inhabitants according to the last or any subsequent Federal census, and authorizing the payment of the salary of such stenographic secretary out of the treasury of the county.

RESOLUTIONS

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. Whereas Senators, John J. Sparkman and Lister Hill of Alabama have faithfully and courageously represented the people of Alabama on all matters vitally affecting our way of life;

Now therefore be it resolved by the Senate of Alabama, the House of Representatives concurring that we commend said Senators for their untiring and outstanding service and that the Secretary of State of Alabama send a properly attested copy of this resolution to each of said Senators.

Which was read and referred to the Standing Committee on Rules.

Mr. Hardwick offered the following Senate Resolution, to-wit:

S. R. 12. BE IT RESOLVED by the Senate of Alabama that Senate Resolution No. 5 asking for an opinion from the Supreme Court of Ala-

bama as to Hon. Broughton Lamberth of Tallapoosa be now withdrawn.

Mr. Hardwick moved that said Resolution be adopted by the Senate, which resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Messrs.:	Fite	Howle	Mize	
Barrett	Gaither	Kendall	Patterson	
Bridges	Hardwick	Kimbrell	Perry	
Burnside	Harvey	Lamberth	Summerlin	
Cooper				—16

Nays:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Glover	Hughes	Russell	
Boutwell	Golson	Lowe	Swift	
Cater	Gulledge	Patton	Wright	
Clayton				—16

The President and Presiding Officer of the Senate voted "Nay," therefore, said resolution was lost.

OBJECTION TO VOTE

Mr. Lowe objected to vote cast by Mr. Lamberth on the above Resolution, his objection being based on Section 82 of the Constitution.

Mr. Fite offered the following Senate Resolution, to-wit:

S. R. 13. BE IT RESOLVED BY THE SENATE OF ALABAMA THAT:

WHEREAS, the Senator from the 28th Senatorial district has, during the term of office to which he was elected, accepted the appointment and office of City Clerk of the City of Montgomery, Alabama—an office of profit under the State of Alabama. Now,

THEREFORE, be it resolved by the Senate that the seat in the Senate from the 28th Senatorial district of Alabama be and the same is hereby declared vacant.

Which was read and referred to the Standing Committee on Rules.

Mr. Fite also offered the following Senate Resolution, to-wit:

S. R. 14. WHEREAS, the Senator from the 28th Senatorial District has during the term of office for which he was elected been City Clerk of the City of Montgomery, Alabama and is now serving and exercising the duties of such Clerk;

WHEREAS, there is now pending in the Senate of Alabama Senate Resolution _____, a copy of which is hereto attached, Now,

THEREFORE, be it resolved by the Senate of Alabama that the justices of the Supreme Court of Alabama, totally or a majority thereof, are requested to render this body a written opinion in answer to the following questions:

(1) Did the Senator from the 28th Senatorial district of Alabama, a seat to which he was elected, violate Section 280 of the Constitution of Alabama by the acceptance of the position of City Clerk of the City of Montgomery, Alabama during his term as such Senator?

(2) Is the office of the Senator from the 28th Senatorial district of Alabama now vacant because of said violation?

(3) If he did vacate such office of City Clerk, what effect does this have on bills which were passed in the Senate where his vote was the deciding vote.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Messrs. Pinson, Adams (Jefferson) Meeks:

H. J. R. 11. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That the Senate Joint Resolution No. 19 as appears on Page 117 of the General Acts of Alabama 1943, approved June 8, 1943 be and same is hereby repealed.

BE IT FURTHER RESOLVED that the Secretary of State, Washington, D. C. be requested to withdraw the name of Alabama from the list of States petitioning for World Government.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Secretary of State advising him of the action taken by the Alabama Legislature, and also copies be mailed to our Representatives and Senators in the Congress of the United States.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 11, set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Rules Committee:

H. J. R. 12. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. The Legislative Reference Service is directed to prepare for publication in pamphlet form the Constitution of Alabama, together with all amendments thereto.

2. The Clerk of the House is directed to have printed as a legislative document twenty-five hundred copies of the Constitution of Alabama and the amendments thereto, which copies shall be distributed by him without charge.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 12, which is set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following Senate Joint Resolutions with the original Senate Joint Resolutions and finds same correctly enrolled, to-wit:

S. J. R. 8. Relative to: Segregation of the two races in the South.

Also:

S. J. R. 9. Relative to: Segregation in the schools and local affairs in the South.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 6. Relative to expressing sympathy to Speaker Beck and family in the loss of his sister, Mrs. Willie May Beck Wadsworth.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 10. Relative to appointing a committee to investigate the conditions at Bryce Hospital and bring a report to the Legislature within five days of their findings, and to provide for the expenses of this committee.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

RESOLUTION

Mr. Russell offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. Be It Resolved by the Senate, the House of Representatives concurring, that the Legislature of Alabama now adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of Standing Committee on Rules reported that said Committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 15. Relative to sine die adjournment of the Legislature immediately.

The Rules Committee reported the following substitute for the resolution, to-wit:

S. J. R. 15. BE IT RESOLVED by the Senate, the House concurring, that when the two houses adjourn today, they adjourn sine die.

Which was adopted.

Yeas 21; Nays 10.

Yeas:

Messrs.:	Coleman	Hughes	Patton	
Allen	Cooper	Kendall	Quarles	
Boutwell	Glover	Lowe	Russell	
Burnside	Golson	Mize	Summerlin	
Cater	Hardwick	Patterson	Swift	
Clayton	Henderson			—21

Nays:

Messrs.:	Fite	Harvey	Lamberth	
Barrett	Gaither	Howle	Perry	
Bridges	Gulledge	Kimbrell		—10

And said resolution, as thus amended by the substitute, was then adopted by the Senate.

RESOLUTIONS

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. BE IT RESOLVED BY THE SENATE THE HOUSE OF REPRESENTATIVES, CONCURRING:

1. That the Acts, Resolutions and Journal of this Session of the Legislature be printed and bound in the same volume of the next session of the Legislature.

The Rules were suspended and the resolution adopted by the Senate.

The Rules Committee offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. BE IT RESOLVED by the Senate, the House Concurring, that His Excellency the Governor of Alabama be advised that both Houses of the Legislature of Alabama are preparing to adjourn sine die and that the Governor of Alabama be invited to appear before the Legislature or address to it any communications that he may desire addressed to the Legislature prior to the adjournment of the Legislature.

BE IT FURTHER RESOLVED that a committee composed of three members of the Senate, to be appointed by the presiding officer of the Senate and three members of the House to be appointed by the Speaker of the House be named to wait upon the Governor and advise him of the imminent adjournment of the Legislature in order that he may take such action as he may desire prior to the adjournment of the Legislature; and that said committee then advise the respective houses as to the Governor's wishes.

And said resolution was adopted by the Senate.

The President and the Presiding Officer of the Senate appointed Messrs. Swift, Coleman and Fite as Committee on part of the Senate.

REPORT OF COMMITTEE

The Senate Committee appointed under the provisions of Senate Joint Resolution 17, offered the following report:

Mr. President:

The Committee appointed to wait upon the Governor respectfully reports this His Excellency is out of the State, and that the Executive Secretary for the Governor has no communication for the Senate.

RANKIN FITE
JAS. S. COLEMAN, JR.
G. R. SWIFT

Which was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Russell:

S. J. R. 15. When the two Houses adjourn today, they adjourn sine die.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Rules Committee:

S. J. R. 17. Relating to the Governor being invited to appear before the Legislature or address to it any communications that he may desire addressed to the Legislature prior to the adjournment of the Legislature.

And the Speaker of the House has named as a Committee on the part of the House Messrs. Merrill, Roberts and Shelton.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Patterson:

S. J. R. 16. Relating to the printing and binding of the Acts, Resolutions and Journals of this session of the Legislature.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 11. Repealing S. J. R. 19, approved June 8, 1943 and withdrawing the name of Alabama from list of States petitioning for World Government.

And said Resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Merrill:

H. J. R. 15. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. That the Acts, Resolutions and Journals of this Session of the Legislature be printed and bound in the same volumes as the next session of the Legislature.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 15, set out in the foregoing message from the House was concurred in and adopted by the Senate.

RESOLUTION

Mr. Boutwell offered the following Senate Resolution, to-wit:

S. R. 18. Be It Resolved by the Senate that the Secretary of the Senate is hereby directed to receive and place in Journal the report of the Committee relative to Bryce Hospital.

The Rules were suspended and the Resolution adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested:

H. J. R. 11. Relative to repealing Senate Joint Resolution No. 19 as

appears on Page 117 of the General Acts of Alabama 1943, approved June 8, 1943.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

REPORT OF LEGISLATIVE COMMITTEE

The Joint Legislative Committee created under the provisions of House Joint Resolution No. 10, filed the following report with the Secretary of Senate, in accordance with the provisions of Senate Resolution 18.

REPORT OF JOINT COMMITTEE ON HOUSE JOINT RESOLUTION NO. 10

Pursuant to Joint Resolution No. 10 of the Legislature of Alabama adopted June 21, 1950, the members of said Committee invited all interested parties to appear at 4: o'clock p.m. at the State Capitol on said date and give information to the Committee on the conditions existing at Bryce Hospital relative to the emergency existing there, with reference to the admission of women patients.

Dr. J. S. Tarwater, Superintendent of Bryce Hospital, Dr. D. G. Gill, head of the State Department of Health, and Mr. Jake Jordan, Budget Officer of the State of Alabama appeared and testified before the Committee. Senator Henry H. Mize, Representatives J. P. Shelton and A. K. Callahan, members of the Legislature from Tuscaloosa County, and members of the press, were present.

The testimony revealed that the population of the institution was increasing at an accelerated rate because of the use and availability of new miracle drugs which have reduced the death rate of the present inmates of the institution, and has also lengthened the life of the aged persons of our state, thereby increased the potential number who may need hospitalization.

There are twelve women on the waiting list for entrance to the Institution that cannot be admitted until beds are available. Through the efficient operation of the hospital, milder patients are being returned to their homes and the more acute cases are taking their places in the beds in the hospital. The various Probate Judges of the State are co-operating with the Institution so as to make the most effective use of the present facilities of the hospital and through this plan all acute cases are being cared for.

The Legislature of Alabama and the State Building Commission realized the deplorable conditions at the Bryce Hospital and made available in 1949 the sum of \$140,000 which has been matched on a two to one basis by the Federal Government. A new 100 bed building for women patients will be completed within about 9 months. Serious consideration should be given to the providing of additional beds for both women and men patients at the hospital as the increased rate of admissions, if continued, will require additional facilities. Dr. Tarwater testified that in his judgment another 200 bed building for women and another 200 bed hospital will be needed.

There is no money in the General Fund of the State of Alabama which is available for the building of additional facilities at this time.

All of the Federal money which may be used in Alabama for hospital purposes for the year 1950 has already been matched and committed to General and Tuberculosis hospitals. It will therefore be July, 1951 before any additional money under the Hill-Burton Act will be available.

A new Administration and a new Legislature will take office in January 1951 and will be in position to make plans for the handling of this situation.

There are no facilities in the proximity of the Bryce Hospital presently available which may be rented on a temporary basis to take care of the patients until the new building has been completed.

It is the opinion of this Committee that the hospital is being efficiently operated and that through the cooperation of our Probate Judges and the officers of the Institution, that the acute cases will be cared for and that even if funds were available in the General Fund of the State of Alabama, the situation could not be corrected prior to the completion of the building which is now under construction to take care of the women patients. The members of this Committee will all be members of the new Legislature which will take office in 1951. The subject matter of this report will be brought to the attention of the members of the Legislature and to the attention of the incoming Governor and we will urge that the incoming Legislature study the situation at that time and take such action as is appropriate.

Respectfully submitted,

REPRESENTATIVE PELHAM J. MERRILL, Chairman
REPRESENTATIVE ROBERTS H. BROWN
REPRESENTATIVE JAMES G. ADAMS, JR.
SENATOR R. G. KENDALL
SENATOR GRAHAM WRIGHT
SENATOR ALBERT BOUTWELL

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journals of the Senate for the second and third legislative days and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journals of the Senate for the second and third legislative days approved by the Senate.

ADJOURNMENT

At 12:35 P. M. on Motion of Mr. Clayton and in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

J. C. INZER,
President and Presiding Officer of the Senate.

ATTEST:

J. E. SPEIGHT,
Secretary of Senate.

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ACTS AMENDED

- Amending Secs. 1 and 5 of Act No. 317, Dec. 9, 1859, relative to Grand Lodge of Free and Accepted Masons. S. B. 47, page 24.
- Amending Sec. 1, Act 607, General Acts 1947, relative to Retirement benefit. S. B. 54, page 34.
- Amending Act 128, H. B. 129, approved June 16, 1945, relative to creation of Building Commission. S. B. 56, page 35.

ALCOHOLIC BEVERAGES

- Prohibiting sale of alcoholic beverages in any place except State operated stores. S. B. 28, page 11.

APPROPRIATIONS

- Making appropriation for demonstration project of highway right-of-way markers. S. B. 8, pages 9-28.
- Making appropriation for regional education for fiscal year Sept. 30, 1950. S. B. 15, pages 10-27.
- Making appropriation to defray expenses of present session of Legislature. S. B. 16, pages 10-28.
- Making appropriation to J. L. Messer for damages. S. B. 30, pages 12-27.
- Making additional appropriation to Dept. of Examiners of Public Accounts for fiscal year 1950-51. S. B. 41, pages 24-35.
- Making appropriation to Building Commission for new building at Bryce Hospital. S. B. 51, page 25.
- Relative to supplementing appropriation to Teachers' Special Pension Fund. S. B. 53, page 34.
- Making appropriation to Building Commission of 1945 for next two years. S. B. 55, page 34.

BIRTHS—REGISTRATION OF

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JOURNAL
OF THE
SENATE
OF
ALABAMA

SECOND SPECIAL SESSION 1950

**HELD IN THE CITY OF MONTGOMERY,
COMMENCING WEDNESDAY, JULY 5, 1950**



**WITH AN INDEX PREPARED BY THE SECRETARY OF THE
SENATE**

Brown Printing Co.
Printers—Binders
Montgomery, Alabama

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
SECOND EXTRAORDINARY SESSION 1950
FIRST DAY
WEDNESDAY, JULY 5, 1950

Montgomery, Alabama.

BE IT REMEMBERED, that on the 28th day of June, A. D., 1950, James E. Folsom, Governor of the State of Alabama, issued his proclamation in words and figures following, to-wit:

A PROCLAMATION BY THE GOVERNOR

WHEREAS, the members of the Constitutional Convention who prepared and promulgated the Constitution of 1901 recognizing that population shifts would occur in the State of Alabama from time to time; and the voters of the State who by their ballots ratified said Constitution, understanding the provisions of apportioning membership in the House and the Senate after each decennial census, beginning in 1910, as provided by Sections 199 and 200 of said Constitution; and

WHEREAS, each of the several Legislatures which have convened since the decennial census of 1910, including the present Legislature, have failed to perform the duty required by it by Sections 199 and 200 of said Constitution, and the membership thereof has failed or refused to keep and perform the oath of office to which they each subscribed upon entering upon the duties of their respective offices; and

WHEREAS, the failure of the Legislature to comply with the provisions of said Sections 199 and 200 of the Constitution of 1901 has caused to be abridged the privileges or immunities of the citizens of the State of Alabama and tends to deprive said citizens of the due process of law guaranteed to them under the Fourteenth Amendment of the Constitution of the United States; and

WHEREAS, on June 19, 1950, I, James E. Folsom, as Chief Executive of the State of Alabama, called the Legislature into Special Session for the express purpose of complying with Sections 199 and 200 of the Constitution of Alabama of 1901; and

WHEREAS, the Legislature illegally adjourned without complying with said Sections 199 and 200 of the said Constitution of 1901, and leading Constitutional authorities are of the opinion that any Act attempted to be passed by this legislature, or any subsequent legislature could not legally become a law because of the failure of the said legislature to take action when specifically called for the purpose of reapportionment.

WHEREAS, the possible illegality of future Acts of the Legislature has caused an extraordinary occasion in the State of Alabama which de-

mands the convening of the Legislature of Alabama in extraordinary session as prescribed by Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, James E. Folsom, as Governor of the State of Alabama, do hereby proclaim such extraordinary occasion to exist and I proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 12:00 M. on Wednesday, the 5th day of July, 1950, and I do hereby designate the following suggestions and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1. To pass an Act proposing an Amendment to Section 50 of the Constitution of Alabama 1901 providing for one Senator from each County in the State of Alabama, and to fix the number of representatives and apportion them among the several counties of the State, according to the number of inhabitants in them respectively.

2. To pass an Act proposing an Amendment to Section 197 of the Constitution of Alabama of 1901 providing for one Senator from each County in the State of Alabama.

3. To pass an Act proposing an Amendment to Section 198 of the Constitution of 1901 to fix the number of the members of the house of representatives and to make a reapportionment of the members of the house of representatives among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States, which apportionment when made shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken, as prescribed by Section 198 of the Constitution of 1901.

4. To pass an Act fixing by law the number of representatives, and apportioning them among the several counties of the State, according to the number of inhabitants in them, respectively, providing that each county shall be entitled to at least one representative, as prescribed by Section 199 of the Constitution of 1901.

5. To pass an Act proposing an Amendment to Section 200 of the Constitution of Alabama of 1901 to provide that the State of Alabama be divided into sixty-seven (67) Senatorial Districts, each district to consist of one county, and providing that counties created after the adoption of this amendment shall constitute an additional Senatorial District, and to provide that one Senator be elected in and for each Senatorial District.

6. To pass or adopt an Act or resolution providing for the holding of a Convention to alter, revise or amend the constitution of the State of Alabama, and especially to provide for the reapportionment of the legislature as provided in the Constitution of 1901, and submitting the question of Convention or no Convention to a vote of all of the qualified electors of the State of Alabama for their approval, as provided by Article XVIII of the Constitution of Alabama of 1901.

7. To reapportion the legislature of Alabama to comply with Article IX of the Constitution of Alabama of 1901 in such other, further or different manner as may in the wisdom of the legislature seem fit and proper.

8. To provide for the passage of any local legislation applicable to single counties or subdivisions thereof.

DONE at the Capitol of the State of Alabama on this the 28th day of June, A. D. 1950.

JAMES E. FOLSOM,
Governor.

ATTEST:
SIBYL POOL,
Secretary of State.

Pursuant to such proclamation, at the hour of twelve o'clock noon on Wednesday, July 5, 1950, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Honorable J. Clarence Inzer, Lieutenant-Governor and President of the Senate. J. E. Speight, Secretary was present and acted as such, according to law.

PRAYER

The Session was opened with prayer by Mr. James M. Gurley, Minister, Highland Avenue Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Coleman	Harvey	Mize
Allen	Cooper	Henderson	Patterson
Barrett	Fite	Howle	Patton
Boutwell	Gaither	Hughes	Quarles
Bridges	Glover	Kendall	Russell
Burnside	Golson	Kimbrell	Summerlin
Cater	Gulledge	Lamberth	Swift
Clayton	Hardwick	Lowe	Wright

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LEAVE OF ABSENCE

On motion of Mr. Patterson, indefinite leave of absence was granted Mr. Hooton.

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House of Representatives to notify the Senate that the House of Representatives is now in session and is ready for the transaction of public business.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:
By Mr. Roberts:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED that the said Committee ascertain and report back to these bodies if the Governor desires to address a joint session of the Legislature and if so, the time most suitable to His Excellency.

And the Speaker of the House named as a Committee on the part of the House Messrs. Roberts, Larkins, and Mitchell.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Cooper and Fite.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Patton:

S. B. 1. To prohibit members of the Legislature from receiving or agreeing to receive, any consideration for procuring any contract, appointive office or place from the State of Alabama or any agent or agency thereof, or for giving any such contract, appointive office or place; prohibiting them from giving, or agreeing to give, any consideration for the procuring of any such contract, appointive office or place; making any such agreements null and void; prohibiting members of the Legislature, with certain exceptions, from accepting any employment, position, or office of profit under the State of Alabama or any agency thereof, or from receiving any consideration, compensation, or profit for any services rendered to the State of Alabama or any agency thereof; and fixing penalties for the violation of the provisions of the Act.

Committee on Judiciary.

By Mr. Patton:

S. B. 2. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one senator from each county; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature; and providing for the payment of the expenses of holding the election.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Patton:

S. B. 3. Relating to Limestone County: To impose additional duties upon the incumbent Superintendent of Education of Limestone County, Alabama, and provide compensation for the performance of such duties.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Limestone County: To prescribe additional duties of the County Superintendent of Education of Limestone County, Alabama; to provide compensation for the performance of such duties; to Amend Section 1 of Act number 213, S. 275, approved July 24, 1947, entitled "An Act governing the compensation of the Superintendent of Education of Limestone County" (Local Acts 1947, P. 123), and to repeal Act Number 194.H. 686, approved June 6, 1949, relating to Limestone County (Local Acts 1949, p. 225).

Section 1. a The County Superintendent of Education of Limestone County, Alabama, in addition to the duties imposed under the general laws of Alabama shall begin immediately to administer the Veterans Training Program of Limestone County, begin immediately to administer and direct the School Lunch Program of such County, and also to begin immediately to act as Secretary and Advisor to the Limestone County Board of Education during all its regular and special meetings.

Section 1. b For the performance of the extra, new and additional duties imposed on him, and for his regular duties, the annual salary of the Superintendent of Education of Limestone County shall be paid in equal monthly installments and the amount thereof shall be governed by the gross assessed valuation of property, real and personal, tangible and intangible, in Limestone County, as shown by the records of the Tax Assessor of Limestone County as follows: When the tax assessor's records show that the gross assessed valuation of such property for the tax year ending on the thirtieth day of September of any year was less than eleven million dollars (\$11,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand six hundred dollars (\$3,600); when these records show the gross assessed valuation is eleven million dollars (\$11,000,000) or more but less than eleven million two hundred and fifty thousand dollars (\$11,250,000) the salary of the superintendent for the year beginning on the first day of the next January shall be three thousand eight hundred dollars (\$3,800); when these records show the gross assessed valuation is eleven million two hundred fifty thousand dollars (\$11,250,000) or more but less than eleven million five hundred thousand dollars (\$11,500,000) the salary of the superintendent for the year beginning on the first day of next January shall be four thousand dollars (\$4,000); when these records show the gross assessed valuation is eleven million five hundred thousand dollars (\$11,500,000) or more but less than twelve million dollars (\$12,000,000), the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand two hundred dollars (\$4,200); when these records show the gross assessed valuation is twelve million dollars (\$12,000,000) or more but less than twelve million five hundred thousand dollars (\$12,500,000) the salary of the superintendent for the year beginning on the first day of the next January shall be four thousand eight hundred dollars (\$4,800); when these records show the gross assessed valuation is twelve million five hundred thousand dollars (\$12,500,000) or more but less than thirteen million dollars (\$13,000,000) the salary of the superintendent for the year beginning on the first day of the next January shall be five thousand four hundred dollars (\$5,400); and when these records show the gross assessed valuation is thirteen million dollars or more the annual salary of the superintendent for the succeeding calendar years shall be six thousand dollars (\$6,000); provided, however, that in the event any principal of a school under the supervision and control of said superintendent of Education receives a sum equal to or greater than the salary hereinabove provided, then and in that event, the Board of Education of Limestone County may immediately increase the salary of said superintendent of education to a sum greater than said principal's salary. In addition to his salary, the superintendent shall receive an allowance for expenses of one thousand two hundred dollars (\$1,200) per annum.

Section 2. There shall be paid to said Superintendent of Education of Limestone County, on September 1, 1950, the additional sum of two hundred thirty three dollars thirty three cents (\$233.33) as an emergency allowance for expenses to instigate, plan and set in operation the additional duties referred to in Section 1, a above.

Section 3. Act number 194 H. 686, approved June 6, 1949, relating to Limestone County, Alabama, (Local Acts 1949, p. 225) is hereby repealed.

Section 4. All local laws in conflict with this Act are hereby repealed.

Section 5. This Act shall take effect immediately upon its approval by the Governor.

DAVID U. PATTON,
State Senator.

BUNYAN D. BROADWATER,
Representative.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Alabama Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 8, June 15, June 22 and June 29, all in the year 1950.

STEELE MCGREW.

Sworn to and subscribed before me June 30th, 1950.

ALDENA CHAPMAN,
Notary Public.

By Mr. Allen:

S. B. 4. To provide legal counsel for the Chief Examiner and the Department of Examiners of Public Accounts and to provide salary for counsel.

Committee on Judiciary.

By Mr. Allen:

S. B. 5. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Committee on Finance and Taxation.

By Mr. Lamberth:

S. B. 6. Proposing an Amendment to the Constitution of Alabama.
Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gulledge:

S. B. 7. To provide further for the registration of births; and prescribing penalties for violations of the Act.

Committee on Public Health.

By Mr. Gulledge:

S. B. 8. To amend Section 298 of Title 52 of the Code of Alabama (1940), which relates to the minimum age at which children may attend school.

Committee on Education.

By Mr. Gulledge:

S. B. 9. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. B. 10. To make it unlawful to sell any spirituous, vinous, or other alcoholic beverage, except malt or brewed beverages, in any place except stores operated by the Alabama Alcoholic Beverage Control Board; provide for the purchase by the Alabama Alcoholic Beverage Control Board of any stock in the hands of dealers when this Act becomes effective.

Committee on Temperance.

By Mr. Gulledge:

S. B. 11. To amend Section 73 of Title 29 of the Code of Alabama (1940) which relates to unlawful sites for liquor stores.

Committee on Temperance.

By Mr. Gulledge:

S. B. 12. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gulledge:

S. B. 13. To make it a misdemeanor for any state official or employee to use or permit any other person to use a state-owned automobile or other motor vehicle for any purpose other than official state business.

Committee on Judiciary.

By Mr. Gulledge:

S. B. 14. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

Committee on Privileges and Elections.

By Mr. Gulledge:

S. B. 15. To amend Section 1 of Title 52, Code of Alabama (1940), which relates to the qualification and selection of school trustees.

Committee on Education.

By Mr. Gulledge:

S. B. 16. To require each county and city superintendent of schools to publish annually a list of all teachers employed for the current school year.

Committee on Education.

By Mr. Gulledge:

S. B. 17. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.

Committee on Forestry and Conservation.

By Mr. Henderson:

S. B. 18. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector and providing therefor and ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Henderson:

S. B. 19. To provide further regulations governing the administration of pardons and paroles.

Committee on Judiciary.

By Mr. Henderson:

S. B. 20. To prohibit the exhibition of motion pictures which are obscene, immoral, or criminal in their nature, or of a character to offend racial or religious sensibilities, and thereby inflame or incite a part of the community to disorder, or to tend to produce a harmful impression on the minds of children, and to prescribe the punishment therefor.

Committee on Judiciary.

By Mr. Henderson:

S. B. 21. Providing for and requiring instruction in the public schools concerning the influence and effect of alcohol on human health and behavior; creating the position of Supervisor of Temperance Education in the State Department of Education with assistants and clerical help, defining his duties and powers related to such instruction; and requiring reports by county and city superintendents of education concerning such instruction.

Committee on Temperance.

By Mr. Henderson:

S. B. 22. To provide for the construction and maintenance of a demonstration project in highway right-of-way maintenance for experimental purposes and to make an appropriation for that purpose.

Committee on Finance and Taxation.

By Messrs. Quarles and Henderson:

S. B. 23. To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

Committee on Military.

By Mr. Quarles:

S. B. 24. To make appropriation of one hundred and fifty thousand dollars (\$150,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the Legislature.

Committee on Finance and Taxation.

By Mr. Fite:

S. B. 25. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector and providing for the redistricting and composition of the State Senate of Alabama, and providing therefor and ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Fite:

S. B. 26. To Propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Marion County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Marion County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend

its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Fite:

S. B. 27. To prohibit any justice of the Supreme Court of Alabama from sitting or acting as such in any action or proceeding where he is related to either party or to an attorney or counsel of either party, or to any member of a law firm representing either party by consanguinity, or affinity, within the third degree, computed according to the rules of law; or where a firm of attorneys of which he was formerly a member, represents either party.

Committee on Judiciary.

By Mr. Fite:

S. B. 28. To submit to a vote of the qualified electors of the State the question of holding a convention for the purpose of revising the Constitution of Alabama, and to provide for the election of the delegates and to provide for the holding of the convention in the event a majority of the electors voting at the election favor it.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Coleman:

S. B. 29. To amend Section 86 of Title 8, Code of Alabama (1940), which relates to hunting at nighttime.

Committee on Fish and Game.

By Mr. Hardwick:

S. B. 30. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one Senator from each county; ordering an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next General Election in November 1950.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Hardwick:

S. B. 31. To provide for the election and terms of city commissioners in certain Class "D" cities; and providing for the holding of elections in such cities to determine whether the provisions of the Act shall be adopted.

Committee on Municipalities and Municipal Organizations.

By Mr. Wright:

S. B. 32. Relating to Talladega County; proposing an amendment to the Constitution of Alabama relative to regulating the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any

officer of Talladega County; ordering a special election upon the proposed amendment.

Committee on Local Legislation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Mize:

S. B. 33. Relating to Tuscaloosa County: To authorize the employment of a stenographic secretary by the Judge of the Inferior Court of Tuscaloosa County, and authorizing the payment of the salary of such stenographic secretary out of the Treasury of Tuscaloosa County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Notice is hereby given that at the next session of the Legislature of Alabama, a bill substantially as follows will be introduced and application for its passage and enactment will be made:

A BILL
TO BE ENTITLED
AN ACT

Relating to Tuscaloosa County: To authorize the employment of a stenographic secretary by the Judge of the Inferior Court of Tuscaloosa County, and authorizing the payment of the salary of such stenographic secretary out of the Treasury of Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section One: The Judge of the Inferior Court of Tuscaloosa County, Alabama may employ a stenographic secretary, whose salary shall be fixed by him at an amount not to exceed \$1500.00 per annum, to be paid in equal monthly installments out of the Treasury of Tuscaloosa County.

Section Two: This Act shall become effective immediately upon its passage and approval or upon its otherwise becoming a law.

Tuscaloosa News, June 7, 14, 21, 28-4tc

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Leo J. Jones, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Legal Clerk of the Tuscaloosa News, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper in the issues of said paper on June 7, June 14, June 21, and June 28, all in the year 1950.

LEO J. JONES.

Sworn to and subscribed before me July 5th, 1950.

LILLA COLLINS,
Notary Public.

By Mr. Cater (by request):

S. B. 34. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in of-

fice, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Committee on Finance and Taxation.

RESOLUTION

Mr. Fite offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. RESOLVED BY THE SENATE, the House concurring, that the Senate and House convene in joint session in the Hall of the House of Representatives at 12:45 P. M. today to hear a Message by the Governor.

And the Rules were suspended and said Resolution adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Fite:

S. J. R. 1. Relative to the House and Senate convening in joint Session in the Hall of the House of Representatives at 12:45 P. M. today to hear a message by the Governor.

And the Speaker of the House named as a Committee on the part of the House Messrs. Roberts, Larkins and Mitchell.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

JOINT SESSION

The hour of 12:45 P. M., having arrived, and in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives to hear the Message of Honorable James E. Folsom, to-wit:

To the Members of the Senate and House of Representatives of Alabama in Joint Session Assembled:

You have again been called into special session because I am still anxious to discharge, as fully as I may, the official duties I assumed when I took the office as Governor of this great state, among which is the duty of enforcing the constitution as well as the statute laws enacted and promulgated for the government of our people, and to give to the members of this outgoing Legislature another opportunity of fulfilling and discharging the duties imposed upon you when you took the oath of your respective offices.

Article IX, Section 199 of the Constitution of Alabama of 1901 provides as follows, and I quote:

"It shall be the duty of the Legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of representatives and apportion them among the several counties of the state, according to the number of inhabitants in them, respectively: provided, that each county shall be entitled to at least one representative."

Section 200 provides as follows, and I quote:

"It shall be the duty of the legislature at its first session after taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of senators, and to divide the State into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator, and no more; and such districts, when formed, shall not be changed until the next apportioning session of the legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the legislature may be attached to senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other."

It has been the duty of each Legislature which has convened since the decennial census of 1910, including the present Legislature, to reapportion the membership of the House and the Senate of this State, according to population; this duty has never been discharged. The census of 1950 for Alabama has now been completed, and the shift in population from the rural and agricultural sections of Alabama to the metropolitan, manufacturing and mining areas have grown more pronounced with each decennial census since 1901, and there is not a fair-minded citizen within the borders of the State of Alabama but what recognizes the inequalities now existing in the membership of the present Senate and House of Representatives in this State.

Perhaps when I called you into extraordinary session on June 19 and specifically set forth a reapportionment of the Senate of Alabama by Constitutional Amendment, creating 67 Senatorial Districts with a representative in the Senate from each District, and/or calling for a Constitutional Convention specifically for the purpose of reapportioning the Senate and House of Representatives, and limited your consideration to those two items, the methods of reapportionment were not as broad as they should have been, because Article IX of the Constitution of 1901 is a mandate to the Legislature to reapportion the membership thereof after each decennial census, and unless and until the Constitution is amended and the provisions of Article IX changed, it is the duty of the Legislature to make such reapportionment, and it is my duty as Chief Executive of the State of Alabama, to enforce the provisions of the Constitution, including Article IX thereof, as well as the statute laws of the State, so long as they remain on our statute books as the law of the land, and so long as I am Governor I shall use every power at my command to see that they are enforced.

I have therefore, in calling you together on this occasion, opened the door for you to reapportion the membership in the Legislature as to you seems wise and proper, and under the various provisions embodied in this call it is your responsibility and your duty to either reapportion the membership in the Legislature as provided by Article IX, or submit an amendment or amendments of the Constitution to the voters of the State, changing the method of apportionment of the representative body of this State, and a failure or refusal on your part to do either the one or the other can only result in a most embarrassing position for the State of Alabama by bringing a shadow of illegality upon every provision of the Legislature enacted into law in the future, except such acts as may be construed as an extension and amplification of the common law, or justified under governmental public policy.

Article XIV of the Constitution of the United States was adopted as an amendment to the Constitution and transmitted to the Department of State on the 21st day of July 1868, and became a part of the Constitution of the United States, and Section 1 of said Article provides as follows, and I quote:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the law."

I am of the opinion, after consultations with many well known Constitutional lawyers, that the Legislature of Alabama, as now composed, is in conflict with and in violation of Article IX of the Constitution of 1901, and that therefore is an illegal legislative body, and that a failure of the Legislature to apportion its membership on a population basis, as provided by Article IX of the Constitution of 1901, or to propose some amendment to said Constitution so as to provide an equitable apportionment of its membership, is a denial to many persons within this State the equal protection of the laws and therefore, is in violation of Section 1, Article XIV of the Constitution of the United States. After this call it seems that the only action this Legislature and its successors can take is action leading towards reapportionment of the Legislature.

Notwithstanding the differences in opinion among the membership of this Legislature upon the question of reapportionment and not withstanding the fact that this legislature has differed with the views expressed by the Executive Department and has not complied with recommendations made by that department, I still believe that you, the members of this Legislature, are interested in the welfare of the whole people of this State and are desirous of performing your duty under your oaths, and in accordance with the Constitution and laws of this great State.

Having in mind the serious consequences that might result to the people of Alabama if, upon presentation to the Supreme Court of the United States the statute laws enacted by this, or any future Legislature, after you have been called into extraordinary session for the specific purpose of apportioning the membership in the Legislature, as our Constitution directs, I call upon you to take whatever action seems best to you for the apportionment of the membership in the Legislature of Alabama.

I recommend to you the proposal of a Constitutional Amendment to the people of Alabama providing for representation in our Legislative body along the lines established by the framers of our National Constitution, that is dividing the State into 67 Senatorial Districts, making each county in the State a district, and providing for a Senator from each District; and apportioning the membership of the House of Representatives according to population, providing however, that each county shall have at least one member in the House of Representatives. If this method of apportioning the membership in the Legislature does not meet with your approval, I urge upon you the importance of working out and promulgating some method of apportioning the Legislature of Alabama in accordance with justice, equality and right.

Our Government, both National and State, is founded upon the Democratic principle of three separate and distinct branches, the Executive, Legislative and Judicial, each having separate and distinct responsibilities and duties to perform, and again I say to you that when I have called you together for the specific purpose of performing your duty, as provided by Article IX of the Constitution of 1901, or of proposing an amendment to the Constitution so as to provide a more equitable apportionment of the membership of the Legislature, I have performed my duty as Chief Executive and the responsibility of performing your duty rests upon you. I repeat, however, I do believe the provisions of the

Constitution of Alabama, including Article IX thereof, should be enforced as well as the statute laws of the State, so long as they remain on our statute books as the law of the land, and that I shall use every power at my command to see that they are enforced so long as I am Governor of Alabama.

I also recommend that an Act or Resolution, providing for the holding of a Constitutional Convention to alter, revise or amend the Constitution, and especially to provide for reapportionment of the Legislature and submitting the question of convention or no convention to a vote of all the qualified electors of Alabama for their determination, be enacted by the Legislature as provided by Article XVIII of said Constitution.

The Legislature of Alabama is not required by the Constitution to submit the question of a Constitutional Convention to the voters of this State, that is not a mandate of our organic law, as are the provisions of Article IX, making it the duty of the Legislature to apportion its membership after each decennial census, but if this Legislature, after exploring all the methods of apportionment cannot agree upon a fair, just and equitable method of apportionment of the membership of the Legislature of Alabama, or agree upon Constitutional amendments to provide for such equitable apportionment, then I do urge upon you the importance of providing for a Constitutional Convention, whose membership will be made up of delegates elected by all the people of the State of Alabama, whose only duty and only purpose shall be to alter, revise or amend the organic law of this State, so as to do justice to all of its citizens alike.

My purpose in calling you together so soon after your adjournment, without action, is in order that if you see fit either to propose amendments to the Constitution for the purpose of providing a more equitable apportionment of the membership of the Legislature, or of submitting the question of Constitutional Convention or no Constitutional Convention to all of the qualified electors of the State, that you may do so and adjourn in time that these questions may be voted upon by the people at the General Election on November 7 next.

1. Let me again remind you I have called you into extraordinary session to consider a Constitutional Convention which is much needed in Alabama. In addition to many other things this would provide reapportionment if the Legislature cannot agree on another form of reapportionment. If you fail to agree on that.

2. I recommend, and it is in my call, reapportionment along the lines of the National Congress. This can be done by amendment to the Constitution of Alabama. If you cannot agree on that

3. I recommend, and it is in my call, reapportionment on a strict population basis. In the event you cannot agree on this

4. I recommend, and so have it in my call, reapportionment of the Legislature by any other or further means as to the Legislature may seem wise and expedient.

I insist, and the people of Alabama insist that both Houses of this Legislature vote and express themselves before the people of this great sovereign state on one or more of these questions.

I hope you will give serious consideration to the matters before you for your determination, and perform your duties as expeditiously as possible.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant-Governor Inzer.

ROLL CALL

Present:

Messrs.:	Coleman	Harvey	Mize
Allen	Cooper	Henderson	Patterson
Barrett	Fite	Howle	Patton
Boutwell	Gaither	Hughes	Quarles
Bridges	Glover	Kendall	Russell
Burnside	Golson	Kimbrell	Summerlin
Cater	Gulledge	Lamberth	Swift
Clayton	Hardwick	Lowe	Wright

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RESOLUTIONS

Mr. Quarles offered the following Senate Resolution, to-wit:

S. R. 2. BE IT RESOLVED by the Senate of Alabama that:

WHEREAS, the way of life of the Southern people, civilization itself as we know it in the South, and peace and good will between the white and negro races depend upon the maintenance of segregation; and

WHEREAS, we are proud of the progress made in every way by the southern negro since reconstruction, and of the great part played by the southern white people in this progress;

NOW, THEREFORE, BE IT RESOLVED by the Senate of Alabama that:

We deplore the continuous efforts by the federal courts, the President of the United States, and the Congress to destroy this principle of segregation of the races upon which southern civilization rests, and to seek to force intermingling of the races on their jobs, in homes, in public conveyances, and in our schools. We insist upon recognition of our right to our laws and our customs, and to local self-government in our local affairs.

We condemn as Un-American and unwise the continuous efforts to change our laws and our customs by the Federal Government and its agents, and we urge them to refrain from acts which make more difficult the solution of the problems presented by the existence of the two races in the South.

BE IT FURTHER RESOLVED that the presiding officer of the Senate be requested to forward a copy of this resolution to the President of the United States, to the Chief Justice of the Supreme Court, and to the Senators and Representatives from Alabama in the Congress.

And on objection of Mr. Fite to suspension of the Rules, said Resolution was referred to the Standing Committee on Rules.

Mr. Quarles offered the following Senate Resolution, to-wit:

S. R. 3. BE IT RESOLVED by the Senate of Alabama:

WHEREAS, the recent decisions of the United States Supreme Court involving the public schools of Texas and Oklahoma have placed in danger the entire principle of segregation in our schools; and

WHEREAS, we will not submit to the intermingling of white and negro children in our public schools in Alabama contrary to the express provisions of our Constitution and our laws;

NOW, THEREFORE, BE IT RESOLVED by the Senate of Alabama as follows:

We sincerely urge that the federal courts, agencies, and employees exercise caution lest the relationship between the races, harmonious in the past, be embittered by the efforts of the Federal Government to seize power in local matters hitherto reserved to the local governments by the long-recognized principles of local self-government.

We reaffirm our faith in the rights of the States to administer their local affairs, including their police power over race relationships and local customs.

We notify our senators and our representatives in the Congress that we expect them to protect us against the continual encroachment of a powerful federal government in breaking down the rights hitherto well recognized of the States and of the local communities in relation to their citizens.

BE IT FURTHER RESOLVED that the presiding officer of the Senate be requested to forward a copy of this resolution to the President of the United States, to the Chief Justice of the Supreme Court, and to the Senators and Representatives from Alabama in the Congress.

And on objection of Mr. Fite to suspension of the Rules, said Resolution was referred to the Standing Committee on Rules.

Mr. Coleman offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. Be it resolved by the Senate, the House of Representatives concurring, that when the two Houses adjourn today, they do adjourn sine die.

And on objection of Mr. Fite to suspend the Rules, said Resolution was referred to the Standing Committee on Rules.

Mr. Allen offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. BE IT RESOLVED by the Senate, the House concurring, that when the Senate and the House adjourn today they adjourn to meet again on Thursday, July 6th., 1950; and when they adjourn on Thursday, July 6th., 1950, they adjourn to meet again on Friday, July 7th., 1950.

Which was read and referred to the Standing Committee on Rules.

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. Proposing an amendment to the Constitution relating to sessions of the Legislature, and ordering an election thereon.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

1. The following amendment of the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

AMENDMENT

“(a) All sessions of the legislature shall be held at the capitol in the senate chamber and in the hall of the house of representatives, unless at any time it should from any cause become impossible or dangerous for the legislature to meet or remain at the capitol or for the senate to meet or remain in the Senate chamber or for the representatives to meet or remain in the hall of the house of representatives, in which case the governor may convene the legislature, or remove it after it has con-

vened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.

"(b) The legislature shall convene at ten o'clock ante meridian on the second Tuesday in January next succeeding its election and shall remain in session for not longer than four consecutive calendar days, after which the legislature shall be in recess until the second Tuesday in May following. No business can be transacted at such session except as follows: the organization of the legislature for the ensuing four years, which organization shall include the election of officers and the appointment or election of standing and special committees of the senate and the house of representatives, or of both houses; the opening and publication of returns and the ascertainment and declaration of the results of elections for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner of agriculture and industries, the election of such officers in event of a tie vote, and the determination of contested elections for such officers; judging of the election returns and qualifications of the members of the legislature; and the introduction only of bills.

"(c) At the beginning of each organization session, and at such other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, who shall preside in the absence of the lieutenant governor, and the house of representatives shall elect one of its members as speaker, who shall preside over its deliberations. The president pro tempore of the senate and the speaker of the house of representatives shall each hold his respective office for four years or until his successor has been elected and qualified.

"(d) The legislature shall convene in regular session at ten o'clock ante meridian on the second Tuesday in May of 1951, and at ten o'clock ante meridian on the second Tuesday in May of each year thereafter, until the time of meeting shall have been changed by act of the legislature approved by the governor. The legislature shall not remain in session longer than twenty-five days, including the days of the organizational session, at any such regular session.

"(e) Special sessions of the legislature convened in the manner provided by the Constitution shall also be limited to fifteen days.

"(f) The pay of members of the legislature shall be ten dollars per day. Each member shall be allowed ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, for each session of the legislature. In addition to his travel allowance, each member shall be allowed expenses, other than actual expenses of traveling, in an amount to be fixed by the legislature at each session thereof.

"(g) Any provision of this Constitution which conflicts with the provisions of this amendment is hereby annulled."

2. An election upon the proposed amendment is ordered to be held on the date of the first general election held after the final adjournment of this session of the legislature. Notice of the election and of the proposed amendment shall be given by a proclamation of the Governor published once a week for four successive weeks next preceding the day appointed for the election in some newspaper in each county of the State. In every county in which there is no newspaper published, the notice shall be posted at each court house and post office. The election shall be governed in all things by Article XVIII of the Constitution, as amended, and Article 18, Chapter 1, Title 17, Code of Alabama (1940).

Which was read at length and referred to the Standing Committee on Constitution and Constitutional Revision and Amendments.

Mr. Henderson offered the following Senate Joint Resolution, to-wit:

S. J. R. 7. Be it resolved by the Senate of Alabama, the House concurring, That when the two Houses adjourn today, they adjourn to meet again on Tuesday, September 5, 1950, at twelve o'clock noon; and

Be it further resolved, That:

1. A joint legislative investigating committee, to consist of three members of the House appointed by the Speaker and three Senators appointed by the President of the Senate, is hereby created to make a detailed study of the administration of the Alabama Alcoholic Beverage Control Act and the operation of the State's liquor monopoly.

2. A joint legislative investigating committee, to consist of three members of the House appointed by the Speaker and three Senators appointed by the President of the Senate, is hereby created to make a detailed study and examination concerning the administration and operation of the State Highway Department.

3. A joint legislative investigating committee, to consist of three members of the House appointed by the Speaker and three Senators appointed by the President of the Senate, is hereby created to make an investigation and examination of the activities, affairs, and transactions of the Executive Branch of the State Government, giving special reference to the State Department of Finance and the several divisions thereof.

4. In the performance of its duties, each committee shall have the power to issue subpoenas to compel the attendance of witnesses and the production of papers necessary in the conduct of its investigations. In case a person refuses to obey such subpoena, the chairman of the committee may invoke the aid of any circuit court in order that the testimony or evidence shall be produced. Upon proper showing, such court shall issue a subpoena or order requiring such person to appear before the committee and produce all evidence and give all testimony relating to the matter in issue. A person failing to obey such order may be punished by the court as for contempt.

5. Each committee shall have power to employ legal counsel and technical and clerical assistance and to provide for the payment of their compensation out of any money appropriated for the payment of legislative expenses.

6. The members of the committee shall elect from their number a chairman. The committee shall meet at the call of the chairman or upon the request of three members. The members of the committees shall receive their regular legislative compensation and expenses, as fixed by the 1947 Regular Session of the Legislature, which shall be paid out of the funds appropriated for the payment of legislative expenses; provided that no member shall be paid for more than twenty (20) calendar days.

7. Each committee shall make a report of its findings and recommendations to each House of the Legislature upon the reconvening of the session.

8. Except as herein provided, no member of the Legislature or officer, clerk, or employee of either House or any committee thereof, except the Secretary of the Senate and the Clerk of the House, shall be paid any compensation during the recess.

Which was read and referred to the Standing Committee on Rules.

Mr. Swift offered the following Senate Joint Resolution, to-wit:

S. J. R. 8. RESOLVED BY THE SENATE, the House concurring, that when the two houses adjourn today they adjourn to meet again on Monday, November 6, 1950, at 12 o'clock noon, and no member of the Legislature nor any officer, clerk, or employee of the Legislature or of either house or committee thereof, except the Secretary of the Senate and Clerk of the House, shall be paid any compensation during the recess.

Which was read and referred to the Standing Committee on Rules.

Messrs. Coleman and Clayton offered the following Senate Resolution, to-wit:

S. R. 9. Requesting an advisory opinion of the Supreme Court of Alabama as to whether the office of Commissioner of Public Welfare is an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama.

Whereas, Section 34 of Title 13 of the Code of Alabama (1940) provides that either house of the Legislature may obtain the written opinion of the Justices of the Supreme Court of Alabama on any important constitutional question, therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA:

1. The Justices of the Supreme Court are requested to give their written opinion on the following question:

Is the Office of Commissioner of the State Department of Public Welfare created by Section 4 of Title 49 of the Code of Alabama (1940) an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama?

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint Resolution:

By Messrs. Meeks, Adams (Jefferson) and Pinson:

H. J. R. 6. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That Senate Joint Resolution No. 19 as appears on Page 117 of the General Acts of Alabama 1943, approved June 8, 1943 be and same is hereby repealed.

BE IT FURTHER RESOLVED that the Secretary of State, Washington, D. C. be requested to withdraw the name of Alabama from the list of States petitioning for World Government.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Secretary of State advising him of the action taken by the Alabama Legislature, and also copies be mailed to our Representatives and Senators in the Congress of the United States.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 6, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RECESS

At 1:45 P. M., on motion of Mr. Hardwick, the Senate took a recess until 3 o'clock this afternoon.

AFTERNOON SESSION

FIRST LEGISLATIVE DAY

WEDNESDAY, JULY 5, 1950

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor Inzer presiding.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Patterson
Allen	Fite	Howle	Patton
Barrett	Gauthier	Hughes	Perry
Boutwell	Glover	Kendall	Quarles
Bridges	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Wright
Coleman			

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Perry:

S. B. 35. To propose an amendment to the Constitution of Alabama fixing the terms of office and regulating the fees, commissions, allowances, and salaries of certain officers of Marengo County; and ordering an election upon the proposed amendment to be held on the date of the general election next succeeding the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Glover:

S. B. 36. Relating to legislative representation; fixing the number of senators and dividing the State into as many senatorial districts as there are congressional districts.

Committee on Judiciary.

RESOLUTIONS

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. WHEREAS, the Legislature of Alabama believes that communism and the forces of totalitarianism are the greatest menaces to democracy and peace, and

WHEREAS, the Legislature feels that the surest way to preserve freedom is to take a strong stand against aggression and threats to freedom wherever they occur and to support the United Nations, and

WHEREAS, the Legislature believes that President Truman acted wisely and in the interests of all freedom loving people of the world in ordering the military forces of the United States to assist the South Koreans in resisting the aggression and unwarranted attack by the communists of North Korea, now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. The Legislature of Alabama hereby commends President Truman for his action in supporting the South Korean Republic against the unprovoked aggression of the North Korean communists.

2. The Secretary of the Senate is directed to transmit a copy of this Resolution to President Truman.

And on motion of Mr. Patterson, the Rules were suspended and said Resolution adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Brown:

H. J. R. 7. BE IT RESOLVED by the House, the Senate concurring, that when the House and the Senate adjourn today they adjourn to meet again on Thursday, July 6th., 1950, and when they adjourn on Thursday, July 6th., 1950, they adjourn to meet again on Friday, July 7, 1950.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 7, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 2. Deploring continuous efforts by Federal Courts, President of the United States, and the Congress to destroy principle of segregation of the races.

And said Resolution was then adopted by the Senate.

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 3. Relative to decision of United States Supreme Court involving public schools of Texas and Oklahoma endangering principle of segregation in schools; affirming faith in rights of States to administer

their local affairs, including police power over race relationships and local customs.

And said Resolution was then adopted by the Senate.

Mr. Swift, Chairman of the Standing Committee on Rules reported that said Committee in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 9. Relative to requesting Supreme Court Opinion as to whether office of Commissioner of the State Department of Public Welfare, created by Section 4 of Title 49 of the Code of Alabama (1940) is an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama.

Mr. Patterson moved that further consideration of the Resolution be postponed until the next Legislative day.

Mr. Lowe moved to lay on the table the motion to postpone, which resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Glover	Hughes	Russell	
Boutwell	Golson	Lowe	Swift	
Cater	Gulledge	Patton	Wright	
Clayton				—16

Nays:

Messrs.:	Fite	Howle	Mize	
Barrett	Gaither	Kendall	Patterson	
Bridges	Hardwick	Kimbrell	Perry	
Burnside	Harvey	Lamberth	Summerlin	
Cooper				—16

The President and Presiding Officer of the Senate voted "Aye", therefore the motion to table prevailed.

And said Resolution was then lost.

Yeas 14; Nays 18.

Yeas:

Messrs.:	Clayton	Hughes	Russell	
Allen	Coleman	Lowe	Swift	
Boutwell	Glover	Patton	Wright	
Cater	Golson	Quarles		—14

Nays:

Messrs.:	Fite	Henderson	Mize	
Barrett	Gaither	Howle	Patterson	
Bridges	Gulledge	Kendall	Perry	
Burnside	Hardwick	Kimbrell	Summerlin	
Cooper	Harvey	Lamberth		—18

Mr. Hardwick moved that the Senate reconsider the vote by which the Resolution, S. R. 9, was lost, and Mr. Mize moved to lay on the table the motion to reconsider, and the motion to table resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Messrs.:	Gaither	Howle	Mize	
Barrett	Gulledge	Kendall	Patterson	
Bridges	Hardwick	Kimbrell	Perry	
Burnside	Harvey	Lamberth	Summerlin	
Fite				—16

Nays:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Cooper	Hughes	Russell	
Boutwell	Glover	Lowe	Swift	
Cater	Golson	Patton	Wright	
Clayton				—16

The President and Presiding Officer of the Senate voted "Nay", therefore the motion to table was lost.

Mr. Russell then moved that the Senate take a recess for ten minutes, which motion was adopted.

Yeas 17; Nays 15.

Yeas:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Cooper	Hughes	Russell	
Boutwell	Glover	Lowe	Swift	
Cater	Golson	Patton	Wright	
Clayton	Gulledge			—17

Nays:

Messrs.:	Fite	Howle	Mize	
Barrett	Gaither	Kendall	Patterson	
Bridges	Hardwick	Kimbrell	Perry	
Burnside	Harvey	Lamberth	Summerlin	
				—15

The ten minute recess period having expired, the Senate was called to order by Lieutenant-Governor Inzer.

Mr. Patterson then moved that the Senate adjourn until tomorrow, July 6, 1950 at 2 o'clock P. M., which resulted in a tie vote.

Yeas 16; Nays 16.

Yeas:

Messrs.:	Fite	Howle	Mize	
Barrett	Gaither	Kendall	Patterson	
Bridges	Hardwick	Kimbrell	Perry	
Burnside	Harvey	Lamberth	Summerlin	
Cooper				—16

Nays:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Glover	Hughes	Russell	
Boutwell	Golson	Lowe	Swift	
Cater	Gulledge	Patton	Wright	
Clayton				—16

The President and Presiding Officer of the Senate voted "Nay", therefore the motion to adjourn was lost.

The question then recurred on the motion of Mr. Hardwick to recon-

sider the vote by which the Resolution, S. R. 9, was lost, and the Senate did reconsider said vote.

Yeas 16; Nays 15.

Yeas:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Glover	Hughes	Russell	
Boutwell	Golson	Lowe	Swift	
Cater	Gulledge	Patton	Wright	
Clayton				—16

Nays:

Messrs.:	Fite	Howle	Mize	
Barrett	Gaither	Kendall	Patterson	
Bridges	Hardwick	Kimbrell	Perry	
Burnside	Harvey	Lamberth	Summerlin	
				—15

And said Resolution, S. R. 9, was then adopted by the Senate.

Yeas 17; Nays 15.

Yeas:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Cooper	Hughes	Russell	
Boutwell	Glover	Lowe	Swift	
Cater	Golson	Patton	Wright	
Clayton	Hardwick			—17

Nays:

Messrs.:	Fite	Howle	Mize	
Barrett	Gaither	Kendall	Patterson	
Bridges	Gulledge	Kimbrell	Perry	
Burnside	Harvey	Lamberth	Summerlin	
				—15

ADJOURNMENT

At 4:45 P. M., on motion of Mr. Allen, the Senate adjourned until tomorrow, July 6, 1950, at two o'clock P. M.

Yeas 28; Nays 2.

Yeas:

Messrs.:	Coleman	Harvey	Mize	
Allen	Cooper	Henderson	Patton	
Barrett	Gaither	Hughes	Quarles	
Boutwell	Glover	Kendall	Russell	
Bridges	Golson	Kimbrell	Summerlin	
Burnside	Gulledge	Lamberth	Swift	
Cater	Hardwick	Lowe	Wright	
Clayton				—28

Nays:

Messrs. Howle and Perry	—2
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SECOND LEGISLATIVE DAY

THURSDAY, JULY 6, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The Session was opened with prayer by Rev. Carl May, Pastor, Capitol Heights Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Coleman	Howle	Perry
Allen	Fite	Kendall	Quarles
Barrett	Gaither	Kimbrell	Russell
Boutwell	Gulledge	Lamberth	Summerlin
Burnside	Hardwick	Lowe	Swift
Cater	Harvey	Patterson	Wright
Clayton	Henderson	Patton	

—26

JOURNAL

On motion of Mr. Hardwick, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Coleman, leave of absence was granted Mr. Mize for military duty.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Patterson:

S. J. R. 10. Relative to commending President Truman for his action in supporting the South Korean Republic against the unprovoked aggression of the North Korean communists.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Patton and Hardwick:

S. B. 37. Proposing an amendment to the Constitution of Alabama relating to Limestone, Houston, and Henry counties, and ordering an election thereon.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gulledge:

S. B. 38. To regulate trafficking in poles, posts, logs, or parts thereof, whether growing or dead, standing or cut down: requiring vendors

of poles, posts, logs, or parts thereof taken or severed from the lands of another to be licensed by the Department of Conservation; invalidating sales of such poles, posts, logs, or parts thereof, unless bills of sale are executed; imposing upon buyers the rule of caveat emptor as to such sales; defining violations of the Act and prescribing penalties therefor.

Committee on Forestry and Conservation.

By Mr. Kimbrell:

S. B. 39. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize Fayette County and each municipality therein to acquire and dispose of all kinds of property, to promote the development of Fayette County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to Fayette County or the municipality.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Burnside:

S. B. 40. To make an additional appropriation for regional education for the fiscal year ending September 30, 1950.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following resolution and ordered same returned to the Senate with a favorable report with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulleddge (with amendment):

S. J. R. 6. Proposing an amendment to the Constitution relating to sessions of the Legislature, and ordering an election thereon.

The above bill was read a second time at length as required by the Constitution.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Patton:

S. 2. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one senator from each county; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature; and providing for the payment of the expenses of holding the election.

The above bill was read a second time at length as required by the Constitution.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bills and ordered same

returned to the Senate with a favorable report with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge (with amendment):

S. 12. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

The above bill was read a second time at length as required by the Constitution.

By Mr. Henderson (with amendment):

S. 18. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector and providing therefor and ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

The above bill was read a second time at length as required by the Constitution.

By Mr. Fite (with amendment):

S. 25. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector and providing for the redistricting and composition of the State Senate of Alabama, and providing therefor and ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

The above bill was read a second time at length as required by the Constitution.

By Mr. Fite (with amendment):

S. 26. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Marion County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Marion County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

The above bill was read a second time at length as required by the Constitution.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hardwick:

S. 30. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one Senator from each county; ordering an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next General Election in November 1950.

The above bill was read a second time at length as required by the Constitution.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perry (with amendment):

S. 35. To propose an amendment to the Constitution of Alabama fixing the terms of office and regulating the fees, commissions, allowances, and salaries of certain officers of Marengo County; and ordering an election upon the proposed amendment to be held on the date of the general election next succeeding the final adjournment of the present session of the Legislature.

The above bill was read a second time at length as required by the Constitution.

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 22. To provide for the construction and maintenance of a demonstration project in highway right-of-way maintenance for experimental purposes and to make an appropriation for that purpose.

By Mr. Cater (by request):

S. 34. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

By Mr. Quarles:

S. 24. To make appropriation of one hundred and fifty thousand dollars (\$150,000.00), or so much thereof as may be necessary, out of any funds in the State Treasury not otherwise appropriated, to defray the expenses of the Legislature.

By Mr. Gullede:

S. 9. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

By Mr. Allen:

S. 5. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Mr. Russell, Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Mize (with notice and proof):

S. 33. Relating to Tuscaloosa County: To authorize the employment of a stenographic secretary by the Judge of the Inferior Court of Tuscaloosa County, and authorizing the payment of the salary of such stenographic secretary out of the Treasury of Tuscaloosa County.

By Mr. Wright:

S. 32. Relating to Talladega County; proposing an amendment to the Constitution of Alabama relative to regulating the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega County; ordering a special election upon the proposed amendment.

The above bill was read a second time at length as required by the Constitution.

By Mr. Patton (with notice and proof):

S. 3. Relating to Limestone County: To impose additional duties upon the incumbent Superintendent of Education of Limestone County, Alabama, and provide compensation for the performance of such duties.

Mr. Patterson, Chairman of the Standing Committee on Education reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 16. To require each county and city superintendent of schools to publish annually a list of all teachers employed for the current school year.

By Mr. Gulledge:

S. 15. To amend Section 1 of Title 52, Code of Alabama (1940), which relates to the qualification and selection of school trustees.

Mr. Clayton, Chairman of the Standing Committee on Privileges and Elections reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 14. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

Mr. Quarles, Chairman of the Standing Committee on Military reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Quarles and Henderson:

S. 23. To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

Mr. Lowe, Vice-Chairman of the Standing Committee on Fish and Game reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Coleman:

S. 29. To amend Section 86 of Title 8, Code of Alabama (1940), which relates to hunting at nighttime.

Mr. Burnside, Chairman of the Standing Committee on Temperance reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 21. Providing for and requiring instruction in the public schools concerning the influence and effect of alcohol on human health and behavior; creating the position of Supervisor of Temperance Education in the State Department of Education with assistants and clerical help, defining his duties and powers related to such instruction; and requiring reports by county and city superintendents of education concerning such instruction.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day approved by the Senate.

MOTION IN WRITING

Mr. Patterson offered the following motion in writing: "I move that the Senate request the Supreme Court return to it Senate Resolution No. 9 without any answer.

Patterson."

ADJOURNMENT

At 2:35 P. M., on motion of Mr. Coleman, the Senate adjourned until tomorrow, Friday, July 7, 1950 at ten o'clock A. M.

Yeas 14; Nays 12.

Yeas:

Messrs.:	Clayton	Lowe	Russeli	
Allen	Coleman	Patton	Swift	
Boutwell	Gulledge	Perry	Wright	
Cater	Henderson	Quarles		—14

Nays:

Messrs.:	Gaither	Howle	Lamberth	
Barrett	Hardwick	Kendall	Patterson	
Burnside	Harvey	Kimbrell	Summerlin	
Fite				—12

THIRD LEGISLATIVE DAY FRIDAY, JULY 7, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The Session was opened with prayer by Dr. D. M. Rivers, Pastor, First Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Coleman	Harvey	Patterson
Allen	Cooper	Henderson	Patton
Barrett	Fite	Howle	Perry
Boutwell	Gaither	Hughes	Quarles
Bridges	Glover	Kendall	Russell
Burnside	Golson	Kimbrell	Summerlin
Cater	Gulledge	Lamberth	Swift
Clayton	Hardwick	Lowe	Wright

—31

JOURNAL

Mr. Harvey moved that the reading at length of the Journal of yesterday be dispensed with. Mr. Russell objected to dispensing with reading of same and requested reading at length of the Journal of yesterday.

LEAVE OF ABSENCE

On motion of Mr. Barrett, leave of absence was granted Mr. Mize on account of Military Duty.

RESOLUTION

Mr. Clayton offered the following Senate Joint Resolution, to-wit:
S. J. R. 11. Resolved by the Senate, the House concurring, that the Legislature do now adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kimbrell (with amendment):

S. 39. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize Fayette County and each municipality therein to acquire and dispose of all kinds of property, to promote the development of Fayette County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to Fayette County or the municipality.

The above bill was read a second time at length as required by the Constitution.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Patton and Hardwick:

S. 37. Proposing an amendment to the Constitution of Alabama

relating to Limestone, Houston, and Henry counties, and ordering an election thereon.

The above bill was read a second time at length as required by the Constitution.

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Burnside:

S. 40. To make an additional appropriation for regional education for the fiscal year ending September 30, 1950.

Mr. Cater, Vice-Chairman of the Standing Committee on Municipalities and Municipal Organizations reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Hardwick:

S. 31. To provide for the election and terms of city commissioners in certain Class "D" cities; and providing for the holding of elections in such cities to determine whether the provisions of the Act shall be adopted.

Mr. Fite, Vice-Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fite:

S. 27. To prohibit any justice of the Supreme Court of Alabama from sitting or acting as such in any action or proceeding where he is related to either party or to an attorney or counsel of either party, or to any member of a law firm representing either party by consanguinity, or affinity, within the third degree, computed according to the rules of law; or where a firm of attorneys of which he was formerly a member, represents either party.

By Mr. Henderson:

S. 20. To prohibit the exhibition of motion pictures which are obscene, immoral, or criminal in their nature, or of a character to offend racial or religious sensibilities, and thereby inflame or incite a part of the community to disorder, or to tend to produce a harmful impression on the minds of children, and to prescribe the punishment therefor.

By Mr. Gullede:

S. 13. To make it a misdemeanor for any state official or employee to use or permit any other person to use a state-owned automobile or other motor vehicle for any purpose other than official state business.

By Mr. Patton:

S. 1. To prohibit members of the Legislature from receiving or agreeing to receive, any consideration for procuring any contract, appointive office or place from the State of Alabama or any agent or agency thereof, or for giving any such contract, appointive office or place; prohibiting them from giving, or agreeing to give, any consideration for the procuring of any such contract, appointive office or place; making any such agreements null and void; prohibiting members of the Legislature, with certain exceptions, from accepting any employment, position, or office of profit under the State of Alabama or any agency

thereof, or from receiving any consideration, compensation, or profit for any services rendered to the State of Alabama or any agency thereof; and fixing penalties for the violation of the provisions of the Act.

Mr. Bridges, Chairman of the Standing Committee on Forestry and Conservation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 17. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.

By Mr. Gullledge:

S. 38. To regulate trafficking in poles, posts, logs, or parts thereof, whether growing or dead, standing or cut down: requiring vendors of poles, posts, logs, or parts thereof taken or severed from the lands of another to be licensed by the Department of Conservation; invalidating sales of such poles, posts, logs, or parts thereof, unless bills of sale are executed; imposing upon buyers the rule of caveat emptor as to such sales; defining violations of the Act and prescribing penalties therefor.

BILLS ON THIRD READING

The Bill:

S. 33. Relating to Tuscaloosa County: To authorize the employment of a stenographic secretary by the Judge of the Inferior Court of Tuscaloosa County, and authorizing the payment of the salary of such stenographic secretary out of the Treasury of Tuscaloosa County.

Was read a third time at length and passed and ordered sent forth-with to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Coleman	Hughes	Quarles
Allen	Gaither	Kendall	Russell
Barrett	Glover	Patterson	Summerlin
Boutwell	Hardwick	Patton	Swift
Cater	Harvey	Perry	Wright
Clayton	Henderson		

—21

Nays:

—0

The Bill:

S. 3. Relating to Limestone County: To impose additional duties upon the incumbent Superintendent of Education of Limestone County, Alabama, and provide compensation for the performance of such duties.

Was read a third time at length and passed and ordered sent forth-with to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Harvey	Lamberth	Quarles
Allen	Henderson	Lowe	Russell
Barrett	Howle	Patterson	Summerlin
Boutwell	Hughes	Patton	Swift
Coleman	Kendall	Perry	Wright
Cooper	Kimbrell		

—21

Nays:

—0

The Bill:

S. 26. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Marion County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Marion County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Was taken up.

The Standing Committee on Constitution and Constitutional Revision and Amendments reported the following amendment to the bill, to-wit:

AMEND SENATE BILL 26 by striking said Section 2 thereof and substituting the following in lieu thereof:

"Section 2. An election upon the proposed amendment is ordered to be held at the next General Election in November 1950. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940). At the said election the qualified electors shall vote on said proposed amendment, and on the official ballot provided for such election there shall be printed the following: 'Shall the following be adopted as an amendment to the Constitution of Alabama?', after which there shall be set forth verbatim the amendment proposed in Section 1 of this act, after which there shall be printed the word 'Yes' and immediately under that word there shall be printed the word 'No'. Space shall be provided on each ballot for the elector to indicate his choice by a cross mark opposite the word expressing his desire."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clayton	Gulledge	Lamberth
Allen	Coleman	Hardwick	Patterson
Barrett	Cooper	Harvey	Perry
Boutwell	Fite	Henderson	Quarles
Bridges	Gaither	Howle	Russell
Burnside	Glover	Kendall	Wright
Cater	Golson		

—25

Nays:

—0

And said bill, as thus amended, was then read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Clayton	Hardwick	Patterson
Allen	Coleman	Harvey	Perry
Barrett	Cooper	Henderson	Quarles
Boutwell	Fite	Howle	Russell
Bridges	Gaither	Kendall	Summerlin
Burnside	Glover	Lamberth	Wright
Cater	Gulledge	Lowe	

—26

Nays:

—0

The Bill:

S. 35. To propose an amendment to the Constitution of Alabama fixing the terms of office and regulating the fees, commissions, allowances, and salaries of certain officers of Marengo County; and ordering an election upon the proposed amendment to be held on the date of the general election next succeeding the final adjournment of the present session of the Legislature.

Was taken up.

The Standing Committee on Constitution and Constitutional Revision and Amendments reported the following amendment to the bill, to-wit:

AMEND SENATE BILL 35 by striking said Section 2 thereof and substituting the following in lieu thereof:

"Section 2. An election upon the proposed amendment is ordered to be held at the next General Election in November 1950. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama (1940)."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Clayton	Gulledge	Lowe
Allen	Coleman	Hardwick	Patterson
Barrett	Cooper	Harvey	Perry
Boutwell	Fite	Henderson	Quarles
Bridges	Gaither	Howle	Summerlin
Burnside	Glover	Kendall	Swift
Cater	Golson	Lamberth	Wright

—27

Nays:

—0

And said bill, as thus amended, was then read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Coleman	Harvey	Patton
Allen	Cooper	Henderson	Perry
Barrett	Fite	Howle	Quarles
Boutwell	Gaither	Kimbrell	Russell
Bridges	Glover	Lamberth	Summerlin
Burnside	Golson	Lowe	Swift
Cater	Gulledge	Patterson	Wright
Clayton	Hardwick		

—29

Nays:

—0

The Bill:

S. 32. Relating to Talladega County; proposing an amendment to the Constitution of Alabama relative to regulating the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega County; ordering a special election upon the proposed amendment.

Was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Clayton	Hardwick	Patterson
Allen	Coleman	Harvey	Patton
Barrett	Cooper	Henderson	Perry
Boutwell	Gaither	Howle	Quarles
Bridges	Glover	Hughes	Summerlin
Burnside	Golson	Lamberth	Swift
Cater	Gulledge	Lowe	Wright

—27

Nays:

—0

The Bill:

S. 9. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

Was read a third time at length and passed and ordered sent forth-with to the House without engrossment.

Yeas 25; Nay 1.

Yeas:

Messrs.:	Clayton	Henderson	Patterson
Allen	Cooper	Howle	Perry
Barrett	Gaither	Hughes	Quarles
Boutwell	Glover	Kimbrell	Summerlin
Bridges	Golson	Lamberth	Swift
Burnside	Gulledge	Lowe	Wright
Cater	Harvey		

—25

Nay:

Mr. Patton

—1

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 6. To repeal Senate Joint Resolution No. 19 of the General Acts of Alabama 1943.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your standing committee on enrolled bills begs leave to report that said committee in session has compared the following Senate Joint Res-

olution with the engrossed and original Senate Joint Resolution and finds same correctly enrolled, to-wit:

S. J. R. 10. Relative to commending President Truman for his action in supporting the South Korean Republic.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules reported that said Committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 11. Relative to sine die adjournment of the Legislature now.

And said Resolution was then adopted by the Senate.

Yeas 17; Nays 14.

Yeas:

Messrs.:	Clayton	Hughes	Quarles	
Allen	Coleman	Kendall	Russell	
Boutwell	Glover	Lowe	Swift	
Bridges	Golson	Patton	Wright	
Cater	Henderson			—17

Nays:

Messrs.:	Fite	Harvey	Patterson	
Barrett	Gaither	Howle	Perry	
Burnside	Gulledge	Kimbrell	Summerlin	
Cooper	Hardwick	Lamberth		—14

At 11:30 A. M., in accordance with objection to dispense with the Reading of the Journal of yesterday, the Secretary began the reading at length of the Journal of the Senate for the Second Legislative Day.

At 11:35 A. M. Mr. Patterson moved that the Senate adjourn until Tuesday, July 11, 1950 at twelve o'clock Noon.

Mr. Lowe moved as a substitute motion that the Senate adjourn until Monday, July 10, 1950 at twelve o'clock Noon, which motion was lost.

Yeas 14; Nays 17.

Yeas:

Messrs.:	Clayton	Henderson	Quarles	
Allen	Coleman	Hughes	Swift	
Boutwell	Golson	Lowe	Wright	
Cater	Gulledge	Patton		—14

Nays:

Messrs.:	Fite	Howle	Patterson	
Barrett	Gaither	Kendall	Perry	
Bridges	Glover	Kimbrell	Russell	
Burnside	Hardwick	Lamberth	Summerlin	
Cooper	Harvey			—17

The question then recurred on the motion of Mr. Patterson to adjourn until Tuesday, July 11 at twelve o'clock noon, which resulted in a tie vote.

Yeas 15; Nays 15.

Yeas:

Messrs.:	Fite	Harvey	Lamberth	
Barrett	Gaither	Howle	Patterson	
Burnside	Gulledge	Kendall	Perry	
Cooper	Hardwick	Kimbrell	Summerlin	—15

Nays:

Messrs.:	Cater	Henderson	Quarles	
Allen	Coleman	Hughes	Russell	
Boutwell	Glover	Lowe	Swift	
Bridges	Golson	Patton	Wright	—15

The President and Presiding Officer of the Senate voted "Nay", therefore the motion to adjourn was lost.

At 11:45 A. M., Mr. Swift moved that further reading at length of the Journal of yesterday be dispensed with, and on objection of Mr. Kimbrell the Secretary continued with further reading of the Journal.

At 11:55 A. M. Mr. Patton moved that the Senate take a recess until two o'clock this afternoon, which motion was lost.

Yeas 14; Nays 15.

Yeas:

Messrs.:	Clayton	Hughes	Russell	
Allen	Coleman	Lowe	Summerlin	
Boutwell	Golson	Patton	Wright	
Cater	Henderson	Quarles		—14

Nays:

Messrs.:	Fite	Harvey	Lamberth	
Barrett	Gaither	Howle	Patterson	
Burnside	Gulledge	Kendall	Perry	
Cooper	Hardwick	Kimbrell	Swift	—15

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint Resolution:

By Mr. Merrill:

H. J. R. 10. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

That when the two houses adjourn today they adjourn to meet again on Tuesday, July 11, 1950, at ten o'clock A. M.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 10, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint Resolution:

By Messrs. Adams (Jefferson), Beatty, Dumas, Gibson, Kaul, Meeks, Sadler, Callahan and Shelton:

H. J. R. 11. WHEREAS, the State of Alabama has lost an able servant in the passing of Dr. Roy R. Kracke, and

WHEREAS, his services as Dean of the Medical College of Alabama have greatly contributed to the organization, establishment and growth of the Medical College, and

WHEREAS, he has worked tirelessly in advancing research and training in the medical field in order to help alleviate suffering in Alabama and bring to our state the advantages of modern medical practice,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. The passing of Dr. Roy R. Kracke is deeply mourned by this body and his memory is revered.

2. The people of Alabama, through their legislative representatives, hereby express their deep appreciation for the services of Dr. Roy R. Kracke.

3. The sympathy of the people of Alabama, through their legislative representatives, is hereby extended to the family of the deceased.

4. The Clerk of the House of Representatives is directed to forward to the family of Dr. Roy R. Kracke a copy of this resolution.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended, and the Resolution, H. J. R. 11, set out in the foregoing Message from the House was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint Resolution:

By Mr. Merrill:

H. J. R. 12. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. That the Acts, Resolutions and Journals of the last Special Session and this Special Session of the Legislature be printed and bound in the same volumes as the next Session of the Legislature.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended, and the Resolution, H. J. R. 12, set out in the foregoing Message from the House was adopted by the Senate.

At 12:07 P. M., Mr. Summerlin moved that the Senate take a recess for ten minutes, which resulted in a tie vote.

Yeas 15; Nays 15.

Yeas:

Messrs.:	Cooper	Hardwick	Kimbrell
Barrett	Fite	Harvey	Patterson
Bridges	Gaither	Howle	Perry
Burnside	Gulledge	Kendall	Summerlin

—15

Nays:

Messrs.:	Clayton	Henderson	Quarles
Allen	Coleman	Hughes	Russell
Boutwell	Glover	Lowe	Swift
Cater	Golson	Patton	Wright

—15

The President and presiding officer of the Senate voted "Aye", therefore the Senate did take a recess for ten minutes.

The recess period having expired, the Senate was called to order by Lieutenant-Governor Inzer.

At 1:10 P. M., the reading at length of the Journal of yesterday was completed by the Secretary and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

UNFINISHED BUSINESS

The next order of business was the Unfinished Business of yesterday, which was the following motion in writing:

"I move that the Senate request the Supreme Court return to it Senate Resolution No. 9 without any answer.

Patterson."

Mr. Hardwick moved that the Senate do now consider said motion.

The President and Presiding Officer of the Senate referred said motion in writing to the Standing Committee on Rules.

Mr. Coleman moved that Supreme Court Decision rendered under Senate Resolution No. 9 now be read by the Secretary.

At 1:25 P. M. Mr. Hardwick moved that the Senate do now adjourn until Tuesday, July 11, at twelve o'clock Noon, which motion was lost.

Yeas 15; Nays 16.

Yeas:

Messrs.:	Cooper	Harvey	Lamberth
Barrett	Fite	Howle	Patterson
Bridges	Gaither	Kendall	Perry
Burnside	Hardwick	Kimbrell	Summerlin

—15

Nays:

Messrs.:	Coleman	Henderson	Quarles
Allen	Glover	Hughes	Russell
Boutwell	Golson	Lowe	Swift
Cater	Gulledge	Patton	Wright
Clayton			

—16

The motion of Mr. Coleman to hear the Opinion rendered by the Supreme Court under S. R. 9, was then adopted.

Yeas 16; Nays 15.

Yeas:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Glover	Hughes	Russell	
Boutwell	Golson	Lowe	Swift	
Cater	Gulledge	Patton	Wright	
Clayton				—16

Nays:

Messrs.:	Cooper	Harvey	Lamberth	
Barrett	Fite	Howle	Patterson	
Bridges	Gaither	Kendall	Perry	
Burnside	Hardwick	Kimbrell	Summerlin	
				—15

And the following opinion was read by the Secretary:

OFFICE OF
CLERK OF THE SUPREME COURT
STATE OF ALABAMA
MONTGOMERY

J. RENDER THOMAS
Clerk

July 7, 1950.

Honorable J. Earl Speight
Secretary Senate of Alabama
State Capitol
Montgomery, Alabama

In re: Senate Resolution No. 9

Dear Mr. Speight:

I herewith enclose you two copies of the opinion of a majority of the Justices of the Supreme Court of Alabama rendered on July 7, 1950, by said Justices of the Supreme Court of Alabama, in response and answer to request of the Senate of Alabama by Senate Resolution No. 9, as the same appear and remain on record on file in this office.

Your very truly,
J. RENDER THOMAS,
Clerk, Supreme Court of Alabama.

JRT-1d

Encls: 2 Copies

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

The Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

We are in receipt of Senate Resolution No. 9, which is as follows:

“The Justices of the Supreme Court are requested to give their written opinion on the following question: Is the Office of Commissioner of the State Department of Public Welfare created by Section 4 of Title

49 of the Code of Alabama (1940) an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama?"

We are of the opinion that the Commissioner of the State Department of Public Welfare holds an office of profit under this state within the meaning of § 280 of the Constitution of Alabama.

We will not undertake here to give a comprehensive definition of an office of profit within the meaning of § 280 of the Constitution or of an officer, nor will we review all of our decisions as they bear upon these subjects. Suffice it to say that in legal parlance probably few words have a greater variety of meaning or shades of meaning than the words "office" and "officer." On account of this variety of meaning attaching to the words "office" and "officer" as used in various statutes and constitutional provisions, the adjudicated cases do not always, or even often, furnish safe guides by which to determine with absolute certainty whether or not a given employment is an office within the meaning of the statutes and constitutional provisions. Every case must of necessity be determined by consideration of the particular facts and circumstances involved.—*Harrington v. State ex rel. Van Hayes*, 200 Ala. 480, 76 So. 422.

We have carefully considered the statutory provisions which relate to the State Department of Public Welfare and which provide for the appointment of the Commissioner of Welfare and define his duties.—Chapter 1, Title 49, Code 1940.

The functions of the State Department of Public Welfare are executive and administrative. That department has been recognized by the lawmaking body as meeting an important need and has been given a wide field of labor.—*Tuscaloosa County v. Walker et al.*, 235 Ala. 293, 178 So. 543. The Commissioner of Public Welfare is by law made part and parcel of this governmental setup. He is the active salaried man of greatest responsibility, through and by whom the whole organization functions in large measure over the entire state. In our opinion the Commissioner of Public Welfare is invested with a portion of the sovereign power of this state.

We have considered the statutory provisions which provide for the appointment of the Commissioner of Public Welfare and which define his duties in the light of certain expressions contained in the case of *State v. Sanders*, 187 Ala. 79, 65 So. 378, from which it might be argued that the Commissioner of Public Welfare holds a position under the State Department of Public Welfare rather than under the State of Alabama. But the opinion in the case of *State v. Sanders*, *supra*, must be considered in connection with the constitutional provision there under consideration, namely, § 281 of the Constitution. Several decisions of this court rendered subsequent to the *Sanders* case, *supra*, have pointed this out.—*Hard, State Comptroller, v. State ex rel. Baker*, 228 Ala. 517, 154 So. 77; *Harrington v. State ex rel. Van Hayes*, 200 Ala. 480, 76 So. 422.

We are aware of the fact that the Commissioner of Public Welfare has no fixed term of office in that he serves at the pleasure of the State Board of Public Welfare, the appointing authority. Likewise, the statutes do not fix the amount of his salary. It is fixed by the Governor, not to exceed \$5700 per annum.—§ 4, Title 49, Code 1940. But we do not think it can be said that the Commissioner of Public Welfare does not hold an office of profit within the meaning of § 280 of the Constitution merely because there is no fixed term of office and the amount of his compensation is not definitely fixed by statute. We point out here that § 280 contains no language, as does § 281, which limits its field of operation to officers having a fixed term of office.

It is true that where salary and term are definitely fixed by law, such facts are strongly persuasive that the position is an office rather than employment.—State ex rel. Glenn v. Wilkinson, 220 Ala. 172, 124 So. 211. However, in several recent cases we have had occasion to point out that one can be an officer of this state, rather than an employee, although his term of office and salary are not fixed by law.—Jeffers v. Wharton et al., 240 Ala. 21, 197 So. 358; State ex rel. Hyland v. Baumhauer et al. (State ex rel. Mantell v. Same), 244 Ala. 1, 12 So. 2d 326; Jefferson County v. Case, 244 Ala. 56, 12 So. 2d 343.

In *In re Opinion of the Justices*, 244 Ala. 386, 13 So. 2d 674, the opinion was expressed that a bill providing for the creation of a War Emergency Council to consist of the Governor, as chairman, and eight members of the legislature of Alabama, who were to be compensated for their services, would violate §§ 59 and 280 of the Constitution. Such opinion was not predicated on the fact that there was a fixed term of office and that the compensation was fixed by law. It was there said:

“The inquiry hinges on what is an office of profit under this state. The Court of Appeals of New York in *People v. Tremaine*, 252 N. Y. 27, 168 N. E. 817, 821, have discussed the question under somewhat similar circumstances. Two members as chairman of legislative standing committees, were made ex officio members. This was said to confer administrative powers on two of its members, holding that it cannot engraft executive duties upon a legislative officer without giving them civil appointment to administrative offices. The Constitution prohibited a member from receiving ‘any civil appointment within this State * * * during the time for which he shall have been elected.’ Const. 1894, art. 3, § 7. This was held to mean ‘any placing in civil office or public trust, pertaining to the exercise of the powers and authority of the civil government of the state.’ It will be noted that means any ‘civil appointment.’ Ours is ‘any office of profit under this state.’ Each state can adopt its own policy, manifested by the language used. The Alabama policy manifested in the Constitution of 1875 was interpreted in *Montgomery v. State*, 107 Ala. 372, 18 So. 157, 158, prior to the Constitutional Convention of 1901. In it, the term ‘civil office of profit’ was under consideration. We are not here concerned with the omission of ‘civil,’ but with the meaning of an office of profit. In that case, the connotation of an ‘office’ was emphasized. The term certainly means a public office. We have in several cases pointed out the distinction under our system between a public office and a public employment. *Jefferson County v. Case*, ante, p. 56, 12 So. 2d 343; *State ex rel. Hyland v. Baumhauer* (State ex rel. Mantell v. Baumhauer), ante, p. 1, 12 So. 2d 326.

“In those cases we gave careful consideration to the meaning of an ‘office’ in this state for the purpose then in hand. It is in broad terms that he must be invested with a portion of the sovereign power of the state. It is the same here. Under the definitions there given, we think that the members of the Legislature who may be elected members of the council under authority of the proposed bill No. 55, supra, will be thereby ‘appointed to any office of profit under this state’ as set out in Section 59, Constitution of 1901, noting that the act carried compensation for the service rendered. However, we wish to say that the result above announced would be different if no compensation were provided for members of the Legislature who were appointed to membership on the council, and that provision for their actual expenses alone would not be treated as such compensation.

“For like reason the proposed bill, as now set up, will violate Section 280 of the Constitution because it carries with it compensation.” (244 Ala., 390-391) (Emphasis supplied)

In view of the foregoing, we are of the opinion that the Commissioner of Public Welfare holds an office of profit under this state within the meaning of § 280 of the Constitution.

Respectfully submitted,

ARTHUR B. FOSTER,
Associate Justice.
J. ED LIVINGSTON,
Associate Justice.
THOMAS S. LAWSON,
Associate Justice.
DAVIS F. STAKELY,
Associate Justice.

SENATE RESOLUTION NO. 9

By Messrs. Coleman and Clayton:

S. R. 9. Requesting an advisory opinion of the Supreme Court of Alabama as to whether the office of Commissioner of Public Welfare is an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama. Whereas, Section 34 of Title 13 of the Code of Alabama (1940) provides that either house of the Legislature may obtain the written opinion of the Justices of the Supreme Court of Alabama on any important constitutional question, therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA:

1. The Justices of the Supreme Court are requested to give their written opinion on the following question: Is the Office of Commissioner of the State Department of Public Welfare created by Section 4 of Title 49 of the Code of Alabama (1940) an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama?

I hereby certify that the above Resolution was adopted by the Senate of Alabama July 5, 1950.

Secretary of Senate

July 7, 1950

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT THE SUPREME COURT OF ALABAMA

THE STATE OF ALABAMA CITY AND COUNTY OF MONTGOMERY

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered from one to five, inclusive, contain a full, true and correct copy of the opinion of a majority of the Justices of the Supreme Court of Alabama rendered on July 7, 1950, by said Justices of the Supreme Court of Alabama, in response and answer to request of the Senate of Alabama by Senate Resolution No. 9, as the same appear and remain on record on file in this office.

WITNESS, J. Render Thomas, Clerk of the Supreme Court of Alabama, this the 7th day of July, 1950.

J. RENDER THOMAS,
Clerk of the Supreme Court of Alabama.

And ordered spread upon the Journal.

RESOLUTION

Mr. Lowe offered the following Senate Resolution, to-wit:

S. R. 12. Whereas the Supreme Court of Alabama has returned to the Senate, in response to the request of the Senate, the opinion of the Supreme Court that the Office of Commissioner of Public Welfare is an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama, and

Whereas the Senator from the 10th Senatorial District, after his election and being sworn in and serving as a member of the Senate, did accept said office as Commissioner of Public Welfare,

Now therefore, it is the judgment of the Senate that the said Senator from the 10th Senatorial District is disqualified from serving as a member of the Senate, and that the office of Senator from the 10th Senatorial District of Alabama is vacant.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 12. Relative to Opinion Rendered by the Supreme Court under Senate Resolution 9, and declaring office of Senator from 10th Senatorial District vacant.

At 1:25 P. M., Mr. Hardwick moved that the Senate adjourn until Tuesday, July 11, at twelve o'clock Noon, which motion was lost.

Yeas 14; Nays 16.

Yeas:

Messrs.:	Fite	Howle	Patterson	
Barrett	Gaither	Kendall	Perry	
Bridges	Hardwick	Kimbrell	Summerlin	
Burnside	Harvey	Lamberth		—14

Nays:

Messrs.:	Coleman	Henderson	Quarles	
Allen	Glover	Hughes	Russell	
Boutwell	Golson	Lowe	Swift	
Cater	Gulledge	Patton	Wright	
Clayton				—16

At 1:40 P. M., Mr. Allen moved that the Senate do now adjourn until Monday, July 10, at twelve o'clock Noon.

Mr. Summerlin moved as a substitute motion that the Senate adjourn until Tuesday, July 11, 1950 at twelve o'clock Noon, which motion was adopted.

Yeas 19; Nays 10.

Yeas:

Messrs.:	Cater	Harvey	Lamberth	
Allen	Clayton	Henderson	Patterson	
Barrett	Fite	Howle	Perry	
Bridges	Gaither	Kendall	Russell	
Burnside	Hardwick	Kimbrell	Summerlin	
				—19

Nays:

Messrs.:	Glover	Lowe	Swift	
Boutwell	Golson	Patton	Wright	
Coleman	Hughes	Quarles		—10

And the motion of Mr. Allen, as thus amended, was then adopted, and at 1:50 P. M., the Senate adjourned until Tuesday, July 11, 1950 at twelve o'clock Noon.

FOURTH LEGISLATIVE DAY

TUESDAY, JULY 11, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Rev. H. Richard Bills, Pastor, Ridgecrest Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Patterson
Allen	Fite	Howle	Patton
Barrett	Gaither	Hughes	Perry
Bridges	Glover	Kendall	Quarles
Burnside	Golson	Kimbrell	Russell
Cater	Gulledge	Lamberth	Summerlin
Clayton	Hardwick	Lowe	Swift
Coleman	Harvey	Mize	Wright

—31

JOURNAL

The reading of the Journal of yesterday being reached in order of business, Mr. Coleman objected to dispensing with reading of same, and requested that the Journal of the Senate for the Third Legislative Day be read at length.

Mr. Allen moved that at one o'clock P. M. the Senate take a recess until two-thirty o'clock P. M. this afternoon, which was adopted.

At 12:10 P. M., the Secretary began the reading at length of the Journal of the Senate for the Third Legislative Day.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Allen:

S. B. 41. To amend Section 2 of Act No. 436, General Acts of Alabama, Page 316, entitled: "To provide for the appointment of a Chief Clerk by the Circuit Solicitor in all judicial circuits that now is or may hereafter be composed of only two counties, one of which such counties is now or may hereafter be divided into two jurisdictions or judicial divisions with the holding of the Circuit Court in each jurisdiction or judicial division of such county so divided and said Circuit having only two Judges, to fix the term of office and to prescribe the duties of said Chief Clerk and to require said Chief Clerk, in addition to his work as

Chief Clerk, to do stenographic and secretarial work and investigations for said Solicitor, to fix the compensation of said Chief Clerk, to provide that said compensation shall be paid out of the General Funds of the Counties composing said judicial circuits and how the same shall be paid out of the General Funds of the Counties composing said judicial circuits and how the same shall be paid, and further provide that the board of revenue or other governing body of the county paying the larger portion of the salary may suspend from time to time the operation of this act.", approved September 25, 1947.

Committee on Judiciary.

RESOLUTION

Mr. Coleman offered the following Senate Resolution, to-wit:

S. R. 13. Be it resolved by the Senate of Alabama, That the Justices of the Supreme Court of Alabama are respectfully requested to give this body their written opinions on the following constitutional questions, to-wit:

(1) Is the office of a member of the State Board of Education an office of profit under this State within the meaning of Section 280 of the Constitution?

(2) Is the office of a member of the State Board of Agriculture and Industries an office of profit under this State within the meaning of Section 280 of the Constitution?

(3) Is the office of a member of the Board of Trustees of Alabama Polytechnic Institute an office of profit under this State within the meaning of Section 280 of the Constitution?

(4) Is the office of mayor of a municipality of this State an office of profit under this State within the meaning of Section 280 of the Constitution?

Which was read and referred to the Standing Committee on Rules.

At 12:45 P. M., the Secretary completed the reading of the Journal of yesterday, and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

MESSAGE FROM THE GOVERNOR

To the Legislature of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor.

Respectfully submitted,
W. V. (Bill) LYERLY,
Secretary to the Governor.

July 11, 1950.

Montgomery, Alabama,
July 11, 1950.

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a copy of my request for an opinion from the Justices of the Supreme Court of Alabama, together with copy of opinion by Associate Justice Joel B. Brown.

Respectfully,
JAMES E. FOLSOM,
Governor.

July 7, 1950.

To the Honorable Justices of the Supreme Court of Alabama:

Gentlemen:

As Governor of the State of Alabama, and pursuant to Title 13, Section 34, of the Code of Alabama of 1940, I respectfully request the written opinion of the Justices of the Supreme Court of Alabama, or a majority thereof, on the following important Constitutional questions:

(1) Can a member of the State Senate of Alabama who has been declared by the Senate qualified as a member thereof, be declared by the Senate ineligible to continue as a State Senator except as provided by Section 53 of the Constitution of Alabama of 1901?

(2) Upon the invocation of Section 53 of the Constitution of Alabama of 1901 to expel a member of the State Senate of Alabama, would a vote of two-thirds of the members elected to that Body, or only two-thirds of a quorum present and voting, be required to expel a member of the said State Senate?

(3) Does Section 51 of the Constitution of Alabama of 1901, providing that each House shall judge of the election, returns and qualifications of its members, apply to a State Senator who has already been declared elected, qualified and became a member of the Senate of Alabama and is serving therein as such?

(4) Can the office of State Senator of the State of Alabama be declared vacant except by expulsion of the member holding such office, as provided by Section 53 of the Constitution of Alabama of 1901?

Respectively submitted,

/s/ JAMES E. FOLSOM,
Governor.Supreme Court of Alabama
Montgomery

July 10, 1950.

Honorable James E. Folsom
Governor
Capitol

Dear Governor:

The other justices are considering the question, whether they are going to answer or not I do not know. The enclosed is my personal views. It may be that they will come to some conclusion before the Legislature meets tomorrow and if they do they will communicate with you.

Yours very truly,

/s/ Joel B. Brown,
Joel B. Brown,
Senior Associate Justice.

Encl.

Governor James E. Folsom
Capitol
Montgomery, Alabama

Dear Sir:

Replying to the attached inquiry you are advised that it is our opinion that Section 51 of the Constitution of 1901 has in effect been rewritten into the amendment No. LVII (1949 Cum. Supp. to Vol. One, Code of 1940, p. 66) and that said section as rewritten restricts the power to judge of the election returns and qualifications of the members of the

legislature to said initial session. We quote: "No business can be transacted at such sessions except the organization of the legislature, the election of officers, the appointment of standing committees of the senate and the house of representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor. * * * ."—(Italics supplied.)

There is no provision in said Section LVII which authorizes the exclusion of a member or the denial of his right to participate once his qualifications have been accepted and he has been seated.

Section 52 of the Constitution provides, "A majority of each house shall constitute a quorum to do business." The business thus referred to is the general business of the legislature. The only provision found in the Constitution for punishing or excluding a member is in Section 53 which provides: "Each house shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to protect its members against violence, or offers of bribes or corrupt solicitation; and with the concurrence of two-thirds of the house, to expel a member, but not a second time for the same offense; and the two houses shall have all the powers necessary for the legislature of a free state."—Italics supplied.)

The powers conferred on the respective houses by the last part of said section 53, last above emphasized, are highly punitive in nature and purpose and to sustain such action it must be supported by at least a two-thirds vote of the members of the house present and participating.

Therefore it is our considered opinion that a member whose qualifications have been accepted and seated at the initial regular session cannot be expelled and denied the right to participate in the deliberation of the body as a representative of his constituents except by a two-thirds vote of said body. The provisions of said Section LVII are drastically different from the provisions of the constitution of states considered in *State of Delaware ex rel. John Bright, Jr. v. Roy F. Corley, Lt. Governor*, 36 Del. 135, 172 At. 415.

Respectfully submitted,

(Signed) JOEL B. BROWN,
Associate Justice of the Supreme Court of Alabama.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, containing a request for Supreme Court Opinion, and Opinion rendered by Associate Justice Joel B. Brown, was read and ordered spread upon the Journal.

RECESS

At 1 o'clock P. M., on previous motion of Mr. Allen which was adopted by the Senate, the Senate took a recess until two-thirty o'clock this afternoon.

AFTERNOON SESSION
FOURTH LEGISLATIVE DAY
TUESDAY JULY 11, 1950

The Senate re-assembled at 2:30 o'clock P. M., Lieutenant-Governor Inzer presiding.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Patterson
Allen	Fite	Howle	Patton
Barrett	Gaither	Hughes	Perry
Boutwell	Glover	Kendall	Quarles
Bridges	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Wright
Coleman			

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MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor.

Respectfully submitted,

W. V. (Bill) LYERLY,
Executive Secretary.

July 11, 1950.

Montgomery, Alabama,
July 11, 1950.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a copy of my request for an opinion from the Justices of the Supreme Court of Alabama, together with copy of opinion by Associate Justices Arthur B. Foster, J. Ed Livingston, Thomas S. Lawson, Davis F. Stakely and Robert T. Simpson.

Respectfully submitted,

JAMES E. FOLSOM,
Governor.

July 7, 1950.

To the Honorable Justices of the Supreme Court of Alabama:

Gentlemen:

As Governor of the State of Alabama, and pursuant to Title 13, Section 34, of the Code of Alabama of 1940, I respectfully request the written opinion of the Justices of the Supreme Court of Alabama, or a majority thereof, on the following important Constitutional questions:

(1) Can a member of the State Senate of Alabama who has been declared by the Senate qualified as a member thereof, be declared by the Senate ineligible to continue as a State Senator except as provided by Section 53 of the Constitution of Alabama of 1901?

(2) Upon the invocation of Section 53 of the Constitution of Alabama of 1901 to expel a member of the State Senate of Alabama, would a vote of two-thirds of the members elected to that Body, or only two-thirds of a quorum present and voting, be required to expel a member of the said State Senate?

(3) Does Section 51 of the Constitution of Alabama of 1901, providing that each House shall judge of the election, returns and qualifications of its members, apply to a State Senator who has already been declared elected, qualified and became a member of the Senate of Alabama and is serving therein as such?

(4) Can the office of State Senator of the State of Alabama be declared vacant except by expulsion of the member holding such office, as provided by Section 53 of the Constitution of Alabama of 1901?

Respectively submitted,

/s/ JAMES E. FOLSOM,
Governor.

STATE OF ALABAMA—JUDICIAL DEPARTMENT
SUPREME COURT OF ALABAMA

Governor James E. Folsom
Capitol
Montgomery, Alabama

Dear Sir:

Under date of July 7, 1950, you propounded to the Justices of the Supreme Court of Alabama, under the provisions of Title 13, Section 34, of the Code of Alabama, 1940, the following questions:

(1) Can a member of the State Senate of Alabama who has been declared by the Senate qualified as a member thereof, be declared by the Senate ineligible to continue as a State Senator except as provided by Section 53 of the Constitution of Alabama of 1901?

(2) Upon the invocation of Section 53 of the Constitution of Alabama of 1901 to expel a member of the State Senate of Alabama, would a vote of two-thirds of the members elected to that Body, or only two-thirds of a quorum present and voting, be required to expel a member of the said State Senate?

(3) Does Section 51 of the Constitution of Alabama of 1901, providing that each House shall judge of the election, returns and qualifications of its members, apply to a State Senator who has already been declared elected, qualified and became a member of the Senate of Alabama and is serving therein as such?

(4) Can the office of State Senator of the State of Alabama be declared vacant except by expulsion of the member holding such office, as provided by Section 53 of the Constitution of Alabama of 1901?

In reply we beg to advise as follows:

All of your questions relate to the procedure for removing a state senator from office or declaring the office vacant.

We find nothing in the Constitution of Alabama, 1901, conferring

either original or appellate jurisdiction on this or any other court to determine the several questions involved in your inquiry.

The two sections constituting article 3 of the Constitution of Alabama, 1901, are as follows:

Section 42 of the Constitution of Alabama, 1901, declares: "The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to-wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another."

Section 43 of the Constitution of Alabama, 1901, provides: "In the government of this state, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men."

In *Scott v. Strobach*, 49 Ala. 477, it was said:

"The purpose of this article of the Constitution was to separate and distribute the powers of the government, and to prevent their centralization, by prohibiting the same body or individual from the exercise of power pertaining to any two of these departments. All the objects which governments are instituted to accomplish, and all individual rights, depend principally, if not exclusively, upon the observance and "preservation of this distribution of power. Separate bodies, exercising distinct powers, supreme and independent within their constitutional sphere, operate as checks, the one upon the other, guarding against usurpation, and the absorption by either of power assigned by the Constitution to another. The legislative, executive, and judicial departments are subject to the limitations of the Constitution, an embodiment of the sovereignty and will of the people of the State. They do not act separately and independently of each other; the concurrence of their action is essential to the vindication of individual right, and to the maintenance of the dignity and authority of the State. In the General Assembly resides the duty and power of ordaining laws; in the judiciary, the exposition and interpretation of the law; in the executive, the enforcement and execution of the law, as ordained by the legislature, in accordance with the exposition and interpretation of the judiciary. The duty and power of these departments distinguish the one from the other, and furnish the criterion by which we determine to which of the departments an officer belongs."

Section 51 of the Constitution of Alabama, 1901, declares, in part: "Each house shall choose its own officers and shall judge of the election, returns, and qualifications of its members."

The Constitution of most, if not all, of the states contain provisions similar to those quoted above from Section 51 of the Constitution of this state. And it is well settled that such a provision vests the legislature with sole and exclusive power in this regard, and deprives the courts of jurisdiction of those matters.

The Justices of the Supreme Court of New Hampshire refused to answer a related request on the ground, among others, that "such opinion, if given, could have no greater weight or authority than a criticism of one branch of the government upon the conduct of another coordinate branch; and that such official act on the part of the justices of this court

would not be consistent with the grave duties imposed upon them by the constitution of the state.”—Opinion of the Justices, 56 N. H. 570.

In *Peabody v. School Committee*, 115 Mass. 383, the Supreme Court of Massachusetts, in passing upon a similar provision of its constitution, says:

“It cannot be doubted that either branch of the legislature is thus made the final and exclusive judge of all questions, whether of law or of fact, respecting such elections, returns, or qualifications, so far as they are involved in the determination of the right of any person to be a member thereof; and that while the constitution, so far as it contains any provisions which are applicable, is to be the guide, the decision of either house upon the question whether any person is or is not entitled to a seat therein cannot be disputed or revised by any court or authority whatever.”

See *Covington v. Buffett et al.*, 90 Md. 569, 45 Atl. 204, 47 A. R. A. 622.

The exclusiveness of the jurisdiction of the Senate in the matters about which you inquire is shown by the following quotation from the opinion in *State ex rel. Boulware v. Porter*, 55 Mont. 471, 178 Pac. 832:

“The Constitution clothes each house of the Legislative Assembly with plenary and exclusive authority to determine upon the election returns, and qualifications of its members. Article 5, Section 9. The authority thus recognized as lodged in each house is indispensable to its independence and existence. It emanates directly from the people to each house as an independent entity, and cannot be delegated or granted away. Each house acts for itself, and from its decision there is no appeal. No individual, officer, court, or other tribunal can infringe upon its exclusive prerogative to determine for itself, and in its own way, whether a person who presents himself for membership is entitled to a seat. *State ex rel. Smith v. District Court*, 50 Mont. 134, 145 Pac. 721; *State ex rel. Ford v. Cutts*, 53 Mont. 300, 163 Pac. 470. Either house may even act arbitrarily and in disregard of fundamental rights. It may oust a member whose election is beyond controversy, and seat as a member a person who is disqualified for the office; but, if it should do so, there is still no recourse.”

In *Scott v. Strobach*, *supra*, the question was presented as to whether a member of the Legislature was eligible to election to the office of sheriff. This court decided that he was, saying that the acceptance of the office of sheriff operated as an implied resignation of his seat in the Legislature. But it also distinctly said that the courts were powerless to enforce such resignation.

To answer your inquiry would be to express an opinion on questions which we have no right to decide for the reason that the Constitution has committed them to the determination of the respective houses of the Legislature. It cannot be gainsaid that each house of the Legislature is the sole ultimate judge of the right of a person to a seat therein. It would therefore ill-become the justices of this court to attempt to answer the questions presented.

Neither the Constitution nor section 34 of Title 13, Code of Alabama, 1940, contemplate the answering of such questions by the justices of this Court.

We must therefore respectfully decline to express an opinion on matters which, under the Constitution of this state, only the Senate of Alabama has jurisdiction. — § 51, Constitution 1901; *Ex parte Echols*, 39 Ala. 698; *Scott v. Strobach*, *supra*.

The question may arise in Your Excellency's mind as to how the undersigned Justices can consistently decline to answer your inquiries when the same justices recently answered an inquiry from the Senate as to whether or not the Commissioner of Public Welfare of this State holds an office of profit under this state within the meaning of § 280 of the Constitution.

The answer to such question is that your inquiry calls for our opinion on questions over which we have no jurisdiction, such jurisdiction being exclusively in the Senate. But the inquiry from the Senate related to a matter of judicial inquiry. Whether any given position is an office of profit is a matter of judicial inquiry. True, the Senate might well have determined that question for itself, but nevertheless that fact does not deprive the justices of this Court from treating such question when requested by the Senate to do so. Our response to the Senate was in full accord with our action in Opinion of the Justices, 244 Ala. 386, 13 So. 2d. 674.

The distinction is clearly demonstrated in the case of *State ex rel. Biggs v. Corley*, Lieutenant Governor, 36 Del. 135, 172 Atl. 415. That was a mandamus proceeding to require the Lieutenant Governor, the presiding officer of the Senate, to issue writs of election for the purpose of filling vacancies alleged to exist in the Senate. It was claimed that three members of the Senate had in effect vacated their Senate seats by accepting appointments to offices under the State.

The Delaware court did not hesitate to determine whether or not the places to which the three Senators had been appointed were offices under the State. It was held that each of the Senators were appointed to an office under the State.

But the Delaware court refused to pass on the question as to whether or not vacancies had been created in the Senate, saying:

"It is a general principle of law that where the holder of an office accepts another incompatible office, the acceptance of the second office operates as a resignation or renunciation of the first as fully and effectually as though the relinquishment of the first office had been an intentional and voluntary act. *Throop, Public Offices*, §§ 30, 51; *Mecham, Public Offices*, § 420; *Rex v. Patterson*, 4 Barn. & Ad. 9. And the same principle applies where the incompatibility is declared by constitutional provisions similar to section 14, art. 2, of our Constitution. *People v. Haas*, 145 Ill. App. 283; *Lodge v. Farrell*, 155 Mich. 426, 119 N.W. 573; *State ex rel. Leland v. Mason*, 61 Ohio St. 513, 56 N.E. 468; *State v. Sadler*, 25 Nev. 131, 58 P. 284, 59 P. 546, 63 P. 128, 83 Am. St. Rep. 573; *In re Advisory Opinion*, 76 Fla. 417, 79 So. 126; *State ex rel. Owens v. Draper*, 45 Mo. 355; *Megher v. Howell*, 171 Ky. 238, 188 S. W. 373; See, also, *Scott v. Strobach*, 49 Ala. 477, 86 Am. St. Rep. 583, Note.

"And, when the resignation has become effective by the acceptance of the incompatible office, a resignation of the second office does not revive or restore the right to hold the first office which has thus been abandoned or resigned. *Relender v. State ex rel. Utz*, 149 Ind. 283, 49 N.E. 30; *Bishop v. State*, 149 Ind. 223, 48 N.E. 1038, 39 L.R.A. 278, 63 Am. St. Rep. 270; *State ex rel. Birkhauser v. Moores*, 52 Neb. 634, 72 N.W. 1056; *State v. Goff*, 51 R. I. 508; 9 A. 226, 2 Am. St. Rep. 921; *State ex rel. Walker v. Bus*, 135 Mo. 325, 36 S.W. 636, 638, 33 L.R.A. 616; *Com. v. Sherrard*, 4 Leigh (Va.) 643; *State v. Fitts*, 49 Ala. 402.

"When a question involving an implied resignation of one office (it not being that of a member of a legislature), by the acceptance of another office, is presented to the courts for decision, the courts have jurisdiction in the full and complete sense of having power and authority to decide and to enforce the execution of what is decreed, and no difficulty

arises. But, when the first office is that of a representative or senator in the General Assembly, and the question arises whether the acceptance of another office operates as an implied resignation of the first, the principle of resignation or abandonment remains the same, and should be adhered to and enforced, and we may not assume that the officials of the state under their oaths of office will repudiate knowingly this constitutional prohibition; but the Courts, ordinarily constituted, may not proceed to hear and adjudicate, for they are not the tribunals provided by the Constitution for the determination of such question. They have no jurisdiction for the reason that another and different tribunal possesses the sole jurisdiction, that is, the senate or the house as the case maybe, under that provision of the Constitution which gives to each house of the legislature the right, power and authority to judge of the elections, returns and qualifications of its members. This is necessarily so, for the power and authority must reside somewhere, the departments of government must be separate and distinct, free and independent, and, while the courts will jealously guard its powers and jurisdictions, they will be careful not to infringe upon the powers, prerogatives and jurisdictions of the legislative department. Ex parte Echols, 39 Ala. 698, 88 Am. Dec. 749."—(172 Atl., 419-420.)

In view of the foregoing, we must decline to answer your inquiry.

Respectfully,

(signed) ARTHUR B. FOSTER,
Associate Justice.

(signed) J. ED LIVINGSTON,
Associate Justice.

(signed) THOMAS S. LAWSON,
Associate Justice.

(signed) DAVIS F. STAKELY,
Associate Justice.

I concur, as expressed above by the majority, that the matters inquired about, being irrevisably within the power and discretion of the Senate to decide, are not subject to judicial inquiry and that the questions propounded are, therefore, not within the permissible scope of Section 34, Title 13, Code of Alabama, 1940.

However refusing to close my eyes to reality, I think the inquiry from the Senate mentioned above, answered by my four brothers last week, and the instant one are substantially no different in effect. They stem from the same cause viz: an effort to have a judicial expression on the qualifications or right, vel non, of a member of the Senate to a seat therein—a matter entirely within the discretion of the Senate and beyond the scope of judicial supervision.

I, therefore, for this reason did not answer the prior inquiry of the Senate, as I must respectfully refrain from doing now, as to Your Excellency's.

I beg leave to assure Your Excellency and also the Senate of my great deference and respect, as well as entire willingness within the limits of the law, to contribute my opinion on any serious constitutional question which it is proper to give under the aforesaid code section. Since however the expression of any opinion on the questions now posed, as well as those in the Senate inquiry last week, could in no way govern the ultimate decision of the Senate in the matter, I must respectfully refrain from answering.

This has been my consistent view. See In re Opinion of the Justices, 252 Ala. 351, 360, 361; 40 So. 2d. 849, 857, 858.

Respectfully,

(signed) ROBERT T. SIMPSON,
Associate Justice.

Governor James E. Folsom
Capitol
Montgomery, Alabama

Dear Sir:

Replying to the attached inquiry you are advised that it is my opinion that Section 51 of the Constitution of 1901 has in effect been rewritten into the Amendment No. LVII (1949 Cum. Supp. to Vol. One, Code of 1940, page 66) and that said section as rewritten restricts the power to judge of the election returns and qualifications of the members of the Legislature to said initial session. I quote: "No business can be transacted at such sessions except the organization of the Legislature, the election of officers, the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner of agriculture and industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the legislature, and the inauguration of the governor and the other elected state officers whose terms of office are concurrent with that of the governor. * * *."—(Italics supplied.)

There is no provision in said Section LVII which authorizes the exclusion of a member or the denial of his right to participate once his qualifications have been accepted and he has been seated.

Section 52 of the Constitution provides: "A majority of each house shall constitute a quorum to do business." The business thus referred to is the general business of the legislature. The only provision found in the Constitution for punishing or excluding a member is in Section 53 which provides: "Each house shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to protect its members against violence, or offers of bribes or corrupt solicitation; and with the concurrence of two-thirds of the house, to expel a member, but not a second time for the same offense; and the two houses shall have all the powers necessary for the legislature of a free state."—(Italics supplied.)

The powers conferred on the respective houses by the last part of said Section 53, last above-emphasized, are highly punitive in nature and purpose and to sustain such action it must be supported by at least a two-thirds vote of the members of the house present and participating.

Therefore, it is my considered opinion that a member whose qualifications have been accepted and seated at the initial regular session cannot be expelled and denied the right to participate in the deliberation of the body as a representative of his constituents except by a two-thirds vote of said body. The provisions of said Section LVII are drastically different from the provisions of the constitution of states considered in *State of Delaware ex rel. John Bright, Jr., v. Roy F. Corley*, Lt. Governor, 36 Del. 135, 172 At. 415.

Respectfully submitted,

/s/ JOEL B. BROWN,
Associate Justice of the Supreme Court of Alabama.

July 7, 1950.

To the Honorable Justices of the Supreme Court of Alabama:

Gentlemen:

As Governor of the State of Alabama, and pursuant to Title 13, Section 34, of the Code of Alabama of 1940, I respectfully request the written opinion of the Justices of the Supreme Court of Alabama, or a majority thereof, on the following important Constitutional questions:

(1) Can a member of the State Senate of Alabama who has been declared by the Senate qualified as a member thereof, be declared by the Senate ineligible to continue as a State Senator except as provided by Section 53 of the Constitution of Alabama of 1901?

(2) Upon the invocation of Section 53 of the Constitution of Alabama of 1901 to expel a member of the State Senate of Alabama, would a vote of two-thirds of the members elected to that Body, or only two-thirds of a quorum present and voting, be required to expel a member of the said State Senate?

(3) Does Section 51 of the Constitution of Alabama of 1901, providing that each House shall judge of the election, returns and qualifications of its members, apply to a State Senator who has already been declared elected, qualified and became a member of the Senate of Alabama and is serving therein as such?

(4) Can the office of State Senator of the State of Alabama be declared vacant except by expulsion of the member holding such office, as provided by Section 53 of the Constitution of Alabama of 1901?

Respectfully submitted,

JAMES E. FOLSOM,
Governor.

July 11, 1950

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMATHE STATE OF ALABAMA
CITY AND COUNTY OF MONTGOMERY

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered from one to ten, inclusive, contain full, true and correct copies of the opinions of the Justices of the Supreme Court of Alabama rendered on July 11, 1950, by said Justices of the Supreme Court of Alabama in response and answer to the Inquiry of Governor James E. Folsom of date July 7, 1950, as the same appear and remain on record on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, this the 11th day of July, 1950.

J. RENDER THOMAS,
Clerk of the Supreme Court of Alabama.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, The Governor, containing request for Supreme Court Opinion and Opinion rendered, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Callahan:

H. 14. To repeal Act number 424 of the Local Acts of Alabama of 1947, page 281, approved September 25, 1947, entitled an Act levying in Tuscaloosa County, Alabama, additional special privilege or license taxes and excise taxes, etc.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that an act in substance as follows will be introduced at the next session of the Legislature:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act Number 424 of the Local Acts of Alabama of 1947, page 281, approved September 25, 1947, entitled an act levying in Tuscaloosa County, Alabama, additional special privilege or licenses taxes and excise taxes, etc.

Be It Enacted by the Legislature:

Section One: That Act Number 424 of the Local Acts of Alabama of 1947, page 281, approved September 25, 1947, entitled "An Act Levying in Tuscaloosa County, Alabama, additional special privilege or license taxes and excise taxes, etc.," be and the same hereby is repealed.

Section Two: This Act shall become effective June 15, 1951.

The Tuscaloosa News

June 12, 19, 26—July 3—4tc.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Leo J. Jones, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Legal Clerk of the Tuscaloosa News, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper in the issues of said paper on June 12, June 19, June 26, and July 3, all in the year 1950.

LEO J. JONES.

Sworn to and subscribed before me July 5th., 1950.

LILLA COLLINS,
Notary Public.

Also:

By Mr. McDanal:

H. 20. To provide for the City of Jasper a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, fire department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO APPLY FOR LOCAL LAWS

Notice is hereby given that at the Extraordinary session of the Legislature of Alabama which convened on the 19th day of June, 1950, application will be made for a special or local law, which shall be in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the City of Jasper a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, fire department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. APPLICATION. This act shall apply to and have application in the City of Jasper only and to the police department, the fire department, and City Clerk's office of such city.

Section 2. DEFINITIONS: As used in this act, unless the context plainly indicates a different meaning, the following words, terms and phrases shall have the meanings respectively ascribed to them: "city" means the City of Jasper; "employee" means any person (including the head of department) who is employed in the service of the city on a regular monthly salary in the city clerk's office, the fire department or the police department; "board" means the civil service board created by this act; "head of department" includes chief of the police department, chief of the fire department, and city clerk; "veteran" means any person who was honorably discharged after serving for six months or more in the armed services of the United States during World War I or World War II. Words used in the masculine gender include the female and neuter; the singular includes the plural, and the plural the singular.

Section 3. CIVIL SERVICE SYSTEM. All employees of the city as herein defined shall be subject to the civil service rules and regulations prescribed in or promulgated pursuant to this act. Present employees and those who may hereafter be employed shall remain in their respective employments during good behavior, efficiency, and obedience to such rules and regulations as may, from time to time, be prescribed by the board and the board may by rule prescribe a retirement age for all employees; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and no present employee shall be subject to any examination in order to hold his present position.

Section 4. CIVIL SERVICE BOARD. There is created the Civil Service Board of Jasper, which shall be composed of three members designated respectively as Member No. 1, Member No. 2, and Member No. 3, each of who shall be over twenty five years of age of recognized character and ability, and an actual resident in and a qualified elector of the city. No person shall be eligible for membership on the board who holds any civil office of profit under the city, county, or state. Immediately after the passage of this act, Members No. 1, 2, and 3 shall be appointed by the city governing body. Member No. 1 shall be appointed to serve for a period of one year, Member No. 2 shall be appointed to serve for a period of two years, and Member No. 3 shall be appointed to serve for a period of three years. Each year thereafter the City governing body shall appoint one person as the successor to the member of the civil service board whose term expires that year, to serve for a period of three years. Vacancies occurring from death or resignation shall be filled by the city governing body of the unexpired term. Any member of said board whose term shall expire shall be eligible for reappointment. The board shall meet at least once a month in City Hall building on a date

and at an hour to be fixed by its rules and regulations, and as often as shall be necessary for the orderly dispatch of its business. Two members of said board shall constitute a quorum. All appointments to the board shall be by unanimous vote of the governing body of the city.

Any member of the board may be removed from office at any time by a unanimous vote of such governing body.

Section 5. QUALIFICATION BY MEMBER. Every person appointed a member of the civil service board shall, within fifteen days after his appointment, qualify by making oath that he is eligible for said office and will faithfully perform the duties of the same. Such oath shall be administered by any person authorized to administer oath or by any member of the city governing body, and a copy thereof shall be filed with the city clerk.

Section 6. COMPENSATION. The compensation of each board member shall be one hundred dollars per annum, payable quarterly by the city, and the member chosen to serve as secretary of the board shall be paid an additional sum of fifty dollars per annum, payable quarterly, for his services as secretary.

Section 7. RECORDS OF THE BOARD. The board shall keep minutes of the meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy shall be open for inspection by any resident of the city at all reasonable times. The secretary shall act as the custodian of the records of the board. The police department shall furnish such clerical assistance as may be needed by the board.

Section 8. POWERS AND DUTIES OF THE BOARD. The board shall make rules and regulations to carry out the purposes of this act and to provide for examinations appointments and removals, and the board may, from time to time, make changes in its rules. The head of each department shall recommend for promotions persons to fill any vacancies that may occur in his department. All promotions shall be made by the board. The board may make rules and regulations relating to the eligibility for promotion. The board shall: (1) classify the different types of service to be performed in the departments of the city; (2) prescribe qualifications, including those of character, education, training and experience, for the appointees and incumbents of each class; (3) subject to approval of the city governing body, fix a maximum and minimum salary for each class; and (4) allocate each position in the service of the city to its proper class. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, vacations and leaves of absence, and such rules and regulations shall govern in such matter. Except in connection with a reduction in force, demotion, suspension, or general decrease in salary of all employees in any one department, no employee's regular salary or compensation may be reduced without the approval of the board. All employees shall be appointed upon a non-partisan merit basis. In the event a reduction in force becomes necessary in any department, the order of layoff shall be inverse to the order of the appointment.

Section 9. APPOINTMENTS. The board shall make and keep a register or list of all persons eligible and available for appointment to each class of position and all appointments shall be made from such eligible list. Persons laid off and who are eligible and available for re-employment shall be placed at the head of the proper eligible list in the inverse order of their layoffs. Employees who resign may be granted re-employment status under such circumstances and in such manner as may be provided for in the board's rules and regulations. Persons desiring appointment may file application with the board, and the board shall, from time to time, conduct examinations to test the ability and qualifications of such applicants. Except as otherwise provided herein all applicants shall be examined and examinations shall be open to all citizens

of the United States, public, competitive and subject to the limitations specified by the board as to age, residence, health height, weight, habits, moral character, and other factors pertinent to ability to fully determine the duties of the position sought. Examination shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible list which is more than two years old. All applicants shall be graded. A veteran and the widow of a veteran shall have five (5) points added to his or her grade. Any veteran who is drawing compensation from the United States because of a service-connected disability shall have ten (10) points added to his grade and his wife, if he be disqualified by reason of such disability, shall have ten (10) points added to her grade. The board shall not examine or appoint any person who is not a citizen of the United States or who has been convicted of a felony or an offense involving moral turpitude.

Section 10. APPLICATIONS FOR EMPLOYMENT. All applicants for employment shall file their applications in writing with the board, said applications to be on blank forms furnished by the board. The board shall conduct all examinations, and whenever an examination is to take place shall notify the applicants in writing. Each applicant for examination shall pay to the city clerk the sum of two dollars as an examination fee, and the receipt therefor shall be attached to his application. Said sum shall be placed in the general fund of the city.

Section 11. VACANCIES. The city governing body shall notify the board of any vacancy which occurs in the city clerk's office, the fire department or the police department, and the board shall furnish to it the names and addresses of the three applicants standing highest on the eligible list; and one of the said applicants shall be appointed by the governing body of the city to fill such vacancy. All appointments shall be on a trial basis for a period of six months from the date of appointment. Before the expiration of said period, the head of the department concerned may, by and with the consent of the board, discharge the appointee upon assigning in writing his reasons therefor to the board. The head of a department may be discharged before the expiration of said period by the city governing body with the approval of the board.

Section 12. DEMOTIONS OR SUSPENSIONS. A department head shall have authority in his department to demote any subordinate employee by and with the consent and approval of the board, provided, however, that upon written demand filed with the board within five days from the date of the order of demotion and the employee shall be given a public hearing by the board before any order of demotion shall be final. A department pending the hearing by the board. Any head of department may be similarly suspended or demoted by the city governing body and shall have the same right of hearing.

Section 13. REMOVAL AND DISCHARGES. No permanent employee shall be removed or discharged except for cause, upon charges filed with and decided by the board and after an opportunity has been given him to face his accusers, to be heard in his own defense, and to be represented by counsel. Written charges may be filed against any such employee by the governing body of the city or by any member thereof, or may be filed by any department head as to any subordinate employee in his department by filing a written statement of such charges with the board. Charges against any department head or any employee may be filed by any resident citizen of the city. All charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before a member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed

by the board, but if the board is of the opinion that a trial should be held thereon, the board shall hold a public hearing on the charges and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public provided that when a written waiver of a public hearing signed by the complainant and the accused employee, is filed with the board, the public may, in the discretion of the board be excluded. All testimony given in all hearings before the board shall be taken down in short hand by a stenographer furnished by the police department. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof, or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by private citizens. In all proceedings before the board, the city attorney may appear and represent the interest of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it.

If any employee against whom charges are pending willfully fails to or refuses to attend the hearing of such charges before the board, the board may proceed with the hearing in his absence and take action on the charges the same as if he were present. The board, its specially authorized representatives, and each member of the board shall have the power to administer oaths, take deposition, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation or proceeding within the purview of the act. In case a person refuses to obey any subpoena the board or its representatives may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representatives and produce evidence and give testimony relating to the matter in issue. A person who fails to obey such subpoena may be punished by the court for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fees shall be paid from the city treasury.

Section 14. REVIEW OF DECISION AND APPEALS. Any party, including the city governing body, aggrieved by a final decision by the circuit court of Walker County, Alabama, by filing a petition to be accompanied by such security for the costs of the appeal may be approved by the clerk of the court. Upon the filing of any such petition and approval of such security, notice thereof shall be served upon the chairman of the board by the petitioner. Such petition shall be heard by the court at the earliest practicable date. Review by the court shall be without a jury and confined to the record, including a transcript of the evidence. The court may, upon such terms and conditions as it shall deem proper, at any time before the hearing of the petition permit the taking of additional evidence before the board and allow modification of the board's findings and final decision. The court, upon a hearing of the petition, shall have power to affirm or reverse and render the decision of the board or to remand the matter to the board for further proceedings consistent with the judgment of the court. The court shall affirm the decision of the board unless it finds that the substantial rights of the petitioner have been prejudiced because the final decision of board was: (1) unsupported by substantial evidence in the record submitted; (2) in excess of the authority conferred by this act on the board; (3) violative of constitutional provisions; (4) arbitrary or capricious; (5) affected otherwise by substantial error or injustice. Within 30 days an appeal may be taken from any final judgment of such court to the Court of Appeals of Alabama or the Supreme Court of Alabama. The decision or order of the

board shall not be superseded by any review or appeal and the city shall not be obligated to pay the salary of any employee who is not working during the pendency of any review or appeal.

Section 15. POLITICAL ACTIVITIES PROHIBITED. No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position. No member of the board shall directly or indirectly solicit any employee for a subscription or contribution for any political organization. No employee shall be a member of any national, state, or local committee of a political party, or an official of a partisan political club, or a candidate for nomination or election to any public office, nor shall he take any part in the management or affairs of any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any employee who violates any of the foregoing provisions of this Section shall suffer such disciplinary punishment as the board may direct.

Section 16. PENALTIES. The violation by any employee of any provision in this act or of any of the rules or regulation issued by the board in pursuance thereof, shall constitute an offense for which charges may be preferred against such employee as hereinabove provided and if such charges are sustained by the board after a notice and hearing as hereinabove provided such employee may be discharged or lesser disciplinary action taken against him. The board may in its discretion also decline for a period of one year to reappoint an employee who has been discharged for such cause. The board may on its own motion institute charges against an employee for the violation of any of the provisions of this act or of any of the rules or regulations issued in pursuance hereof.

Section 17. SPECIAL POLICE OFFICERS AND TEMPORARY APPOINTMENTS. The city governing body may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the city governing body the existing conditions demand. All officers so appointed shall be furnished with badges of different sizes and design from the regulation badges used by the regular members of the police force. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges. From and after the effective date of this act, all outstanding commissions conferring police authority upon persons other than those who are regular members of the police department of such city shall be void. The city governing body may, in an emergency or in cases where it deems proper, authorize the head of any department named in this act, to appoint for temporary service such number of salaried employees (including part-time employees) as in the opinion of the board the existing conditions require. No such temporary appointment shall be made for a period of more than 30 days.

Section 18. CHAIRMAN OF THE BOARD. The board shall annually elect one of its members as chairman and one as secretary. All meetings of the board shall be held in the City Hall building unless otherwise provided by such board.

Section 19. PRINTING REGULATIONS. after appointment and qualification of the members thereof, adopt and have printed such rules and regulations, in accordance with the provisions of this act, as it may deem proper. Said rules and regulations and all amendments thereafter adopted shall be kept on file in the office of the city clerk and open for public inspection. No amendment thereto shall become effective until notice of its adoption has been given for 30 days by posting a copy of the same in the vestibule of the City Hall building.

Section 20. CONSTITUTIONALITY. Each section of this act and

each part of each section are hereby declared to be independent sections and parts of sections, and if any section, sentence, clause or provision of this act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, sentence, clause or provision of this act which is not of itself void or unconstitutional.

Section 21. If this act or its enforcement by the board shall be called into question in any judicial proceedings, or if any person shall fail or refuse to comply with the lawful orders of said board, such board with the approval of the city governing body may employ counsel to represent it in sustaining this act of the enforcement thereof, and the compensation of such counsel shall be paid by the city.

Section 22. **EFFECTIVE DATE.** This act shall take effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Section 23. **INCONSISTENT LAWS REPEALED.** All laws and parts of laws inconsistent herewith are hereby repealed.

A. J. McDANAL, JR.,
Representative Place No. 2 Walker County.

6-8-50-4tc

AFFIDAVIT

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said State and County, this day personally appeared W. I. Dove, Mgr., of The Union News, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the Notice of Intention to Apply for Local Law who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Union News for 4 consecutive weeks, namely: June 8, June 15, June 22 and June 29, 1950.

W. I. DOVE,
Manager.

Sworn and subscribed to before me, this 1 day of July, 1950.

MRS. ANNIE DAVIS,
Notary Public.

Also:

By Mr. Haynes (Franklin):

H. 31. Proposing an amendment to the Constitution of Alabama relative to Franklin County.

Also:

By Mr. Pinkston:

H. 34. To amend Act No. 528, H. 992, approved September 2, 1949, entitled, "An Act Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 100,000 people and not more than 140,000 people and for municipalities in such counties having a population of 5,000 or more people, all according to the last or any subsequent Federal Census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and

compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; and repealing all laws or parts of laws inconsistent with the provisions hereof."

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 14 and 20—To the Committee on Local Legislation.

H. B. 31—To the Committee on Constitution and Constitutional Revisions and Amendments.

(The above bill was read one time at length as required by the Constitution).

H. B. 34—To the Committee on Judiciary.

At 3 P. M., Mr. Boutwell moved that the Senate take a recess until 4 o'clock this afternoon, which motion was lost.

Yeas 15; Nays 17.

Yeas:

Messrs.:	Clayton	Henderson	Quarles	
Allen	Coleman	Hughes	Russell	
Boutwell	Glover	Lowe	Swift	
Cater	Golson	Patton	Wright	—15

Nays:

Messrs.:	Fite	Howle	Mize	
Barrett	Gaither	Kendall	Patterson	
Bridges	Gulledge	Kimbrell	Perry	
Burnside	Hardwick	Lamberth	Summerlin	—17
Cooper	Harvey			

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the unfinished business of yesterday, which was:

S. R. 12. Declaring 10th Senatorial District of Alabama to have vacant seat in Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 11. Mourning the passing of Dr. Roy R. Kracke, expressing appreciation for services rendered medical field and expressing sympathy for passing of Dr. Kracke to members of his family.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

RESOLUTION

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. Be it resolved by the Senate of Alabama, the House of Representatives concurring that we do thank the Alabama Peace Officers for the fine luncheon served and splendid entertainment given to this body at noon today and that a copy of this resolution be sent by the Secretary of the Senate to the President of said organization.

And the Rules were suspended and said Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Messrs. Sellers, Thagard and Inzer:

H. 1. To provide legal counsel for the Chief Examiner and the Department of Examiners of Public Accounts and to provide salary for counsel.

Also:

By Mr. Miller:

H. 10. To amend Section 298 of Title 52 of the Code of Alabama (1940), which relates to the minimum age at which children may attend school.

And ordered same sent forthwith to the Senate without engrossment.

M. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 1—To the Committee on Finance and Taxation.

H. B. 10—To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Adams (Jefferson):

H. J. R. 14. WHEREAS, communism is the greatest threat to democracy and to the peace and security of our nation and the world, as evidenced by the present international situation, and

WHEREAS, the most thorough measures should be taken to apprehend, identify and control communists and their activities, and

WHEREAS, the Legislature believes that the Birmingham Police Commissioner has acted wisely and well and in the public interest in ordering the apprehension and fingerprinting of communists in Birmingham, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING:

1. The Birmingham Police Commissioner and the Birmingham Police Department are commended and congratulated by the Legislature for the prompt and effective action which is being taken by them to combat communists and the dangers of communists subversion.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to the Police Commissioner and the Chief of Police of the City of Birmingham.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 14, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint Resolution:

By Mr. Adams (Jefferson):

H. J. R. 13. WHEREAS, the present international situation makes the threat of communism and the activities of communists in the United States even more grave at the present time than it has been heretofore, and

WHEREAS, the most complete and comprehensive measures should be taken for the apprehension and identification of communists in the United States, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING:

1. The President of the United States is most respectfully requested and memorialized to order the Federal Bureau of Investigation to apprehend, fingerprint and otherwise identify, and keep under strict surveillance communists in the United States.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to the President of the United States.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended and the Resolution, H. J. R. 13, set out in the foregoing Message from the House, was adopted by the Senate.

RESOLUTION

Mr. Quarles offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. WHEREAS, The Legislature of Alabama believes that

the present international situation makes the presence of communists and communistic activities in the United States an extremely grave danger to the peace, security and safety of our citizens, and

WHEREAS, the Legislature of Alabama is of the opinion that all communists in the United States who are deportable should be deported, now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE CONCURRING:

1. The Legislature of Alabama respectfully requests and memorializes the Congress of the United States to enact legislation ordering the deportation of all communists in the United States who are deportable.

2. The Secretary of the Senate is directed to transmit a copy of this Resolution to the Secretary of the United States Senate, the Clerk of the United States House of Representatives and to each member of the Alabama congressional delegation.

And the Rules were suspended and the Resolution adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Miller:

H. 9. To amend Section 9 of Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama, 1949, pp. 601-607), which relates to absentee voting in primary, general, special and municipal elections.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House was read one time and referred to appropriate Standing Committee as follows, to-wit:

H. B. 9—To the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Messrs. Morring, Doughty and Taylor (Autauga):

H. J. R. 9. WHEREAS, the proposal in the form of a bill for sixty-seven senators for the State of Alabama, with the basic idea of one senator in each county in the State, has failed of passage repeatedly; and

WHEREAS, reapportionment of the House of Representatives has likewise failed of passage repeatedly; and

WHEREAS, any approach heretofore made to the problem of reapportioning either of the two Houses separately has failed for lack of breadth and scope in the thinking represented and the proposals relative to the two Houses; and

WHEREAS, the principal objection which has appeared on the surface to the proposal of a senator for each county has been the inequity of the over-all representation contained within the sixty-seven senators which would then comprise the Senate between the large and smaller counties; and

WHEREAS, the principal objection which has appeared on the surface relative to proposals for reapportionment of the House of Representatives upon a population basis has likewise been based upon the inequities of representation between the large and smaller counties; and

WHEREAS, the basic inequities concerning the Senate composed of sixty-seven members as proposed has to do with the expected spending which could, on this proposal alone, be controlled by the smaller and less populous counties; and

WHEREAS, it is basic that those who pay shall constitutionally have a voice in the spending of that which is paid into the state treasury; and

WHEREAS, no one person has been found competent heretofore of thinking on a broad enough scope to submit a bill which fully meets the problem of reapportionment to the best interests of good government in the State of Alabama; now therefore

Be it resolved by the House of Representatives, the Senate concurring, that a conference committee to be composed of five members from the House of Representatives of the Legislature of the State of Alabama and five members of the Senate of the Legislature of the State of Alabama, to be appointed by the Speaker of the House and the Presiding Officer of the Senate respectively, no more than one from each congressional district so far as practicable, shall be appointed for the purpose of collectively working to devise an equitable reapportionment of the House of Representatives based upon the population of the several counties of this sovereign State of Alabama and the reapportionment of the Senate and that in their several judgments is deemed equitable.

Be it further resolved upon the adjournment of the Legislature on July 11th 1950 the Legislature now assembled in Special Session shall be recessed from Tuesday, July 11, to Tuesday, July 18, to afford time for the deliberation of the Committee as aforesaid.

And be it further resolved, that upon the reconvening of the Legislature this Committee shall report to the respective Houses their findings and, if possible, a bill or bills representing the collective thinking of the Committee to accomplish the two purposes as aforesaid.

And be it further resolved, that the members appointed to serve on the Committee herein provided for shall, during the time of their service, receive salary and expenses at the rate provided for regular sessions, together with the necessary clerical help, provided that no other members of the Legislature shall be paid during said recess.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 9, set out in the foregoing Message from the House was read and referred to the Standing Committee on Rules.

At 4 P. M. on motion of Mr. Hardwick, the Senate took a recess for twenty minutes.

The twenty minute recess period having expired, the Senate was called to order by Lieutenant-Governor Inzer.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Quarles:

S. J. R. 15. Relative to memorializing the Congress of the United States to enact legislation ordering the deportation of all communists in the United States who are deportable.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Beck and Martin:

H. 26. To amend sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the subordinate Lodges under its jurisdiction," as amended.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read and referred to appropriate Standing Committee as follows:

H. B. 26—To the Committee on Judiciary.

RESOLUTION

The Rules Committee offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. WHEREAS, the pending proposals for reapportionment contemplate making any measure adopted effective in 1954 and

WHEREAS, there will be two regular sessions of the Legislature between now and then in 1951 and 1953, and,

WHEREAS, it thus appears that any "emergency" which may exist in regard to legislative representation could not be remedied under four years and no real emergency exists, and,

WHEREAS, any further prolongation of this special session will be an unnecessary waste of public funds,

NOW, THEREFORE, BE IT RESOLVED by the Senate, the House concurring, that the Senate and House adjourn sine die.

On motion of Mr. Boutwell said resolution was adopted by the Senate.

Yeas 17; Nays 15.

Yeas:

Messrs.:	Clayton	Hughes	Quarles	
Allen	Coleman	Lowe	Russell	
Boutwell	Glover	Mize	Swift	
Bridges	Golson	Patton	Wright	
Cater	Henderson			—17

Nays:

Messrs.:	Fite	Harvey	Lamberth	
Barrett	Gaither	Howle	Patterson	
Burnside	Gulledge	Kendall	Perry	
Cooper	Hardwick	Kimbrell	Summerlin	—15

REQUEST FOR LEAVE OF ABSENCE

Mr. Swift requested that he be granted leave of absence for the next Legislative Day, which request for leave of absence was granted by the Senate.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journals of the Senate for the Second and Third Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journals of the Senate for the Second and Third Legislative Days approved by the Senate.

ADJOURNMENT

At 4:45 P. M., on motion of Mr. Patton, the Senate adjourned until Wednesday, July 12, 1950 at twelve o'clock Noon.

FIFTH LEGISLATIVE DAY
WEDNESDAY, JULY 12, 1950

The Senate met pursuant to adjournment, Lieutenant Governor Inzer presiding.

PRAYER

The session was opened with prayer by Rev. Thomas R. Thrasher, Rector, Episcopal Church of Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Clayton	Hardwick	Patterson
Allen	Coleman	Harvey	Patton
Barrett	Cooper	Howle	Perry
Boutwell	Fite	Kendall	Quarles
Bridges	Glover	Kimbrell	Russell
Burnside	Golson	Lamberth	Summerlin
Cater	Gulledge	Lowe	Wright

—27

JOURNAL

Mr. Summerlin moved that the reading of the Journal of yesterday be dispensed with, and on objection of Mr. Clayton, the Secretary began the reading at length of the Journal of the Fourth Legislative Day.

LEAVES OF ABSENCE

On motion of Mr. Kimbrell, leave of absence was granted Mr. Gaither for today.

On motion of Mr. Gulledge, leave of absence was granted Mr. Henderson for today.

On motion of Mr. Kimbrell, leave of absence was granted Mr. Mize on account of Military Duty.

On motion of Mr. Barrett, leave of absence was granted Mr. Hughes for today.

REPORTS OF COMMITTEES

Mr. Patterson, Chairman of the Standing Committee on Education reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Miller:

H. 10. To amend Section 298 of Title 52 of the Code of Alabama (1940), which relates to the minimum age at which children may attend school.

Mr. Russell, Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. McDanal (with notice and proof):

H. 20. To provide for the City of Jasper a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, fire department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violation.

Mr. Allen, Acting Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Sellers, Thagard and Inzer:

H. 1. To provide legal counsel for the Chief Examiner and the Department of Examiners of Public Accounts and to provide salary for counsel.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 13. Relative to requesting the President of the United States to order the Federal Bureau of Investigation to apprehend, fingerprint and otherwise identify, and keep under strict surveillance communists in the United States, and transmit a copy of this Resolution to the President of the United States.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Weaver:

H. 28. To propose and provide for the submission of an amendment to the constitution of Alabama, to empower and authorize each municipality in Winston County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Winston County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Also:

By Mr. Buckner:

H. 36. To define, regulate and license barbers and barber colleges, and other like businesses in Cullman County, Alabama; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a local bill will be introduced at the next session of the Legislature which said bill is in words and figures as follows:

A BILL TO BE ENTITLED AN ACT

To define, regulate and license barbers and barber colleges, and other like businesses in Cullman County, Ala.; and create a Barbers' Commission for said county; and to provide a penalty for the violation of the provisions hereof, and to fix the powers and duties of said Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. That after the passage of this Act it shall be unlawful for any person, co-partnership, association or corporation to act as a barber, operate a barber college, barber shop or other like business, to advertise or assume to act as such without a license issued by the Barber's Commission of Cullman County, Alabama. No co-partnership, association or corporation shall be granted a license, unless every member or officer of said co-partnership, association or corporation, who actively engages in the barber business, barber college or like business of such co-partnership, association or corporation, shall hold a license as a barber as hereinafter provided for.

Section 2. A barber, barber shop, barber college, or other like business within the meaning of this Act is any person, firm, partnership, co-partnership, association or corporation, who, for a valuable consideration or hire, shaves or trims the beard; gives facial or scalp massages, or treats the same with oils or other preparations, singes, shampoos, cuts or dyes, the hair of a human being or applies hair tonic or other cosmetic preparations, clays or lotions to the scalp, neck, or face, or engages in the teaching of any person or persons in the art of barbering as in this paragraph defined. Provided, however, the provisions of this Act shall not apply to (1) persons engaged in the practice of medicine, surgery or

beauty culture, (2) persons actively engaged in the military service of the United States Government while acting in line of duty, (3) registered nurses in the course of their employment as such, (4) persons who render any of said services to members of their immediate families.

Section 3. There is hereby created a Barber's Commission for Cullman County, Alabama. The Governor shall appoint three (3) persons, each of whom immediate- prior to the date of his appointment has been a resident of Cullman County for three (3) years, and who has had at least five years' experience as a barber, one member to be appointed for a term of one year, one member to be appointed for a term of two years, and one member to be appointed for a term of three years, and until their successors are appointed and qualify, thereafter the term of the members of said Commission shall be for three years, and until their successors are appointed and qualify. Members to fill vacancies shall be appointed and vacancies caused by expiration of the term shall be appointed from time to time as required. The Commission immediately upon the qualification of the member appointed each year, shall organize by selecting from its members a Chairman, and may do all things necessary or convenient for carrying into effect the provisions of this Act. Each member of the Commission shall receive as full compensation for each day actually spent in the work of said Commission his actual and necessary expenses thereby incurred. The Commission shall appoint and at its pleasure discharge, a secretary-treasurer and such assistants as may be deemed necessary to discharge the duties imposed by the provisions of this Act; the treasurer so appointed shall be required to enter into a bond to be approved by the Commission in the sum of not less than Five hundred (\$500.00) Dollars, conditioned to pay any shortage or loss of funds on hand by said Treasurer during his term of office or at the time he is holding office. Said Commission shall outline the duties and fix the compensation of the Treasurer. The Commission shall obtain such office space furnishings, and other proper conveniences as shall be reasonably necessary for carrying out of the provisions of this Act. The Commission shall adopt a seal with such design as it may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission duly certified and authenticated by its seal shall be received in evidence in all courts with like effect as the original. All records kept in the office of the Commission under authority of this Act shall be open to public inspection under such rules and regulations as shall be prescribed by the Commission. All fees and charges collected by the Commission under the provisions of this Act, shall be paid into the Treasury of the Commission; said funds shall be used and kept exclusively in the hands of the Treasurer of this Commission, and shall be used under the direction of the Commission, not inconsistent with this Act. Funds may be disbursed by an order of the Commission on a check being drawn by the Treasurer against such funds, as may be on hand, and approved by the Chairman of the Board for the purpose of paying all expenses incurred by the Commission, including the compensation of members and their employees and their assistants and the Treasurer, provided the total expenses for every purpose incurred shall not exceed the total fees and charges collected and paid into the Treasury of this Commission, and all monies remaining in said separate fund at the end of the fiscal year not expended as herein provided, shall become a part of the funds of said Commission and shall be retained by the said Commission, and may be deposited in any bank on Savings Account or otherwise.

Section 4. Licenses shall be granted only to persons of good moral character, who have an elementary school education, or its equivalent in the judgment of the Commission, and shall be at least 18 years of age, and a resident of the State of Alabama for a period of one year immediately prior to his application, and have practiced as an apprentice for a period of at least one year and pass a satisfactory examination conducted

by the Commission. Provided, however, any person or persons engaged in the occupation of barbering for a period of less than one year may be licensed as an apprentice barber provided he is 17 years of age, and has an elementary school education or its equivalent in the judgment of the Commission, upon successfully passing said Commission's examination for licensing a barber, as herein set forth.

Section 5. Whenever the masculine gender is used in this Act it is to include the feminine gender. Every applicant for a barber's license, apprentice-barber's license, or for a license to operate a barber shop or barber's college, or other like business shall apply therefor in writing on blanks prepared or furnished by said Barber's Commission. It shall be accompanied by the recommendation of at least two barbers doing business in the County where said application is made, not related to applicant, certifying that the applicant is of good reputation, is qualified to practice the trade of barbering and recommending that a license be granted. Said application shall be accompanied by the application fee of \$10.00 and a reputable doctor's certificate certifying that said applicant has no communicable or contagious or infectious disease. The Commission shall have authority to call before it and require any barber to have an examination by a reputable doctor to ascertain whether or not he has a communicable, contagious or infectious disease, the Commission shall have authority to revoke his license forthwith. The Commission, after applications in proper form have been filed, shall set the application down for a hearing (before refusing to issue a license) and determination as hereinafter provided in this Act. The Commission shall issue a license in such form as it may prescribe, which shall show the name and address of the licensee and the barber shop or college in which he is employed. The seal of the Commission shall be imprinted on the license, and such other additional matter placed thereon as the Commission may designate. It shall be the duty of each person, co-partnership, association or corporation to conspicuously display his license in his place of business. The Commission shall issue to each licensee a pocket card, on which shall be an imprint of the seal of the Commission certifying that the person whose name appears thereon is a licensed barber or operator of one of the businesses herein named as the case may be. The original fee for each barber's license shall be \$7.50 and the annual renewal fee shall be \$7.50. Each barber shop, barber college or other like business shall pay to the Commission an annual license of \$10.00 per shop or college. The original fee for each person, co-partnership, association or corporation, who operate a barber college shall be \$100.00, in addition to the annual license herein provided. Every license shall expire on the 31st day of December of each year. The Commission shall issue a new license for the ensuing year in the absence of any reason or condition that might warrant the refusal of granting of the license upon the receipt of the written request of the applicant accompanied by the annual fee therefor, as herein required, and accompanied, also, by a certificate of a reputable physician asserting that the applicant then has no contagious, communicable or infectious disease. The Commission may upon its own motion, and shall upon the verified complaint in writing of any three persons making out a prima facie case, investigate the actions of any person hereby affected, and shall have the power to suspend or to revoke any license issued under the provisions of this Act at any time where the licensee has fraudulently obtained the license, or where the licensee in performing or attempting to perform any of the acts mentioned herein is deemed to be guilty of (a) the violation of any state, county or city statute or ordinance pertaining to the operation of the business hereby affected, (b) the violation of any rule or regulation established by the Commission, (c) or who has failed upon request of the Secretary-Treasurer to give evidence and/or proof of the compliance with the same. The Commission shall, before denying an application for license, or before suspending or revoking any license, set

the matter down for a hearing, and at least ten days prior to the date set for the hearing, notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made, and the date and place of hearing. The applicant or licensee at all hearings, shall have the opportunity to be heard in person or by counsel or both. Such notice may be served by delivery of the same personally to the applicant or licensee, or by mailing the same by registered mail to the last known business of such applicant or licensee. In preparation and conduct of hearings, the Commission shall have power to require by subpoena the appearance and testimony of witnesses and the production of papers, and any member of the commission may sign subpoenas, administer oaths, and examine witnesses. The fees and mileage shall be the same as prescribed by law in judicial procedure in the Courts of this State in civil cases. Any party to a hearing shall have the right to the attendance of witnesses in his behalf. In case of disobedience to a subpoena, any member of the Commission may invoke the aid of any court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers, and such court may issue an order requiring the persons to appear before the Commission, and give evidence or produce papers as the case may be, and any failure to obey such order of the Court may be punished by the Court as a contempt thereof. Any person so refusing to appear and give testimony required by such Commission shall be guilty of a misdemeanor, and upon conviction thereof by a court of competent jurisdiction, as provided by the provisions of this Act. If the Commission should determine that any applicant is not qualified to receive a license, or that any licensee is guilty of a violation of any of the provisions of this Act, a licensee shall not be granted, or the same suspended or revoked as the case may require. Upon request of the applicant or licensee in writing, the Commission shall furnish said party with a definite statement of its findings of facts and its reason or reasons for refusing to grant the license or for its suspension or revocation of same. The findings of the Commission may be appealed to the Circuit Court of the county in which the principal office of the Commission may be located, provided an appeal is taken within 10 days after such final determination of the Commission. Any person desiring to appear under this section shall file with the Commission or some member thereof, a notice in writing that he appeals to the Circuit Court with at least one solvent surety payable to the county in which the principal office of the Commission may be located, conditioned to prosecute such appeal to affect, and upon failure to do so, to pay all costs and damages which may be taxed against him by the Circuit Court on such appeal. Such bond to be approved by the Circuit Clerk of said county, and any cause so appealed shall be tried *do novo* in said Circuit Court. The Commission shall at least every three months hold an examination for the purpose of determining the qualifications of any applicants to become barbers or barber-apprentices, and shall conduct said examinations in accordance with the provisions hereof and in accordance with the rules and regulations promulgated by said Commission not inconsistent with this Act. Said examination to be conducted in the city, town, or village where the principal office of the Commission is located.

Section 6. Any person violating the provisions of this Act shall upon conviction be punished by a fine of not more than five hundred dollars, or by imprisonment for a term not to exceed six months, or by both fine and imprisonment in the discretion of the Court. No person, firm, partnership or corporation shall be deemed to have violated this Act by failure to obtain the license required, prior to January 1, 1951. This provision shall have application to any officer or agent of a corporation, co-partnership, or association operated in violation of this Act. Any court of competent jurisdiction in any of said counties shall have full power to try any violation of this Act, and upon conviction the court

may at its discretion revoke the license of the person, co-partnership, association or corporation violating the terms hereof. Before the Commission herein provided for shall receive a commission and enter upon the discharge of their duties each shall take and subscribe the oath provided by law to be taken by elective officers of the State of Alabama.

Section 7. If any section, subsection, sentence, clause, phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions thereof. The Legislature hereby declares that it would have passed this Act and each section, sub-section, sentence, clause, phrase and requirements thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases or requirements be declared unconstitutional.

Section 8. All laws, or parts of laws, in conflict with this Act be, and the same are hereby repealed.

Section 9. Nothing in this Act contained shall affect the power of the State, County or municipality to tax, license and regulate persons, co-partnerships, associations or corporations, operating barber shops, barber colleges, or other like businesses. The requirements hereof shall be in addition to the requirement of any existing or future law or ordinance of any state, county or municipality so taxing, licensing or regulating persons, co-partnerships, associations or corporations operating barber shops, barber colleges, or other like businesses.

Section 10. This act shall take effect immediately upon its passage and approval by the Governor.

June 8-15-22-29c

THE STATE OF ALABAMA CULLMAN COUNTY

Before me, Fred E. James a Notary Public, State of Alabama at Large in and for said County and State, personally appeared J. R. Rosson, publisher of The Cullman Democrat, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper, once a week for.....successive weeks and being in the issues of the said newspaper of the following dates, viz June 8, 15, 22, 29, 1950.

J. R. ROSSON,
Publisher.

Sworn to and subscribed before me this the 3 day of July, 1950.

FRED E. JAMES,
Notary Public.

Fred E. James, Notary Public, State at Large, Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read and referred to appropriate Standing Committees as follows:

H. B. 28—To the Committee on Constitution and Constitutional Revision and Amendments.

(The above bill was read one time at length as required by the Constitution).

H. B. 36—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

By Mr. Patton:

S. 3. Relating to Limestone County: To impose additional duties upon the incumbent Superintendent of Education of Limestone County, Alabama, and provide compensation for the performance of such duties.

Also:

By Mr. Mize:

S. 33. Relating to Tuscaloosa County: To authorize the employment of a stenographic secretary by the Judge of the Inferior Court of Tuscaloosa County, and authorizing the payment of the salary of such stenographic secretary out of the Treasury of Tuscaloosa County.

Also:

By Mr. Fite:

S. 26. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Marion County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Marion County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

At 12:20 P. M., Mr. Burnside moved that the Senate adjourn until Thursday, July 13, 1950 at ten o'clock A. M., which motion was lost.

Yeas 10; Nays 13.

Yeas:

Messrs.:	Clayton	Patterson	Russell	
Barrett	Coleman	Perry	Wright	
Burnside	Golson	Quarles		—10

Nays:

Messrs.:	Cater	Hardwick	Kendall	
Allen	Cooper	Harvey	Kimbrell	
Boutwell	Fite	Howle	Lamberth	
Bridges	Glover			—13

ADJOURNMENT

At 12:50 P. M., on motion of Mr. Coleman, the Senate adjourned until Thursday, July 13, 1950, at ten o'clock A. M.

Yeas 18; Nays 4.

Yeas:

Messrs.:	Cater	Howle	Patton	
Barrett	Clayton	Kimbrell	Perry	
Boutwell	Coleman	Lamberth	Quarles	
Bridges	Cooper	Lowe	Wright	
Burnside	Glover	Patterson		—18

Nays:

Messrs.:	Hardwick	Harvey	Summerlin	
Allen				—4

SIXTH LEGISLATIVE DAY

THURSDAY, JULY 13, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The Session was opened with prayer by Rev. H. P. Mathison, Pastor, Capitol Heights Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Clayton	Harvey	Patterson	
Allen	Coleman	Howle	Patton	
Barrett	Cooper	Hughes	Perry	
Boutwell	Fite	Kendall	Quarles	
Bridges	Gaither	Kimbrell	Russell	
Burnside	Gulledge	Lamberth	Swift	
Cater	Hardwick	Lowe	Wright	—27

JOURNAL

Mr. Gulledge moved that the further reading of the Journal of the Senate for the Fourth Legislative Day be dispensed with and that the Journal of the Senate for the Fifth Legislative Day be dispensed with. On objection of Mr. Clayton, the Secretary began the further reading of the Journal of the Senate for the Fourth Legislative Day.

LEAVES OF ABSENCE

On motion of Mr. Kimbrell, leave of absence was granted Mr. Gaither for today.

On motion of Mr. Gulledge, leave of absence was granted Mr. Henderson for today.

On motion of Mr. Kimbrell, leave of absence was granted Mr. Mize for Military Duty.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Patton:

S. B. 42. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with

reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

Committee on Public Health.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following Senate Joint Resolution with the original Senate Joint Resolution and finds same correctly enrolled, to-wit:

S. J. R. 15. Relative to: The deporting of all Communists in the United States who are deportable.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

At 10:20 A. M., the Secretary completed the reading at length of the Journal of the Senate for the Fourth Legislative Day, and same was approved by the Senate.

The Secretary began the reading at length of the Journal of the Senate for the Fifth Legislative Day.

BILLS ON THIRD READING

The Bill:

H. 10. To amend Section 298 of Title 52 of the Code of Alabama (1940), which relates to the minimum age at which children may attend school.

Was read a third time at length and passed.

Yeas 20; Nays 3.

Yeas:

Messrs.:	Clayton	Gulledge	Lowe
Allen	Coleman	Hardwick	Patterson
Barrett	Cooper	Harvey	Quarles
Boutwell	Fite	Howle	Russell
Burnside	Golson	Kendall	Wright
Cater			

—20

Nays:

Messrs. Bridges, Hughes and Kimbrell

—3

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled

bills with the engrossed and original bills, respectfully, and finds same correctly enrolled, to-wit:

S. 3. Relating to Limestone County: To impose additional duties upon the incumbent Superintendent of Education of Limestone County, Alabama, and provide compensation for the performance of such duties.

Also:

S. 26. To Propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Marion County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Marion County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Also:

S. 33. Relating to Tuscaloosa County: To authorize the employment of a stenographic secretary by the Judge of the Inferior Court of Tuscaloosa County, and authorizing the payment of the salary of such stenographic secretary out of the Treasury of Tuscaloosa County.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

At 10:40 A. M., Mr. Patterson moved that further reading at length of the Journal be dispensed with, and on objection of Mr. Coleman, the Secretary continued with the further reading of the Journal of the Senate for the Fifth Legislative Day.

At 10:45 A. M., on motion of Mr. Patterson, the Senate took a recess for thirty minutes.

The thirty minute recess period having expired, the Senate was called to order by the Lieutenant-Governor Inzer.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill:

By Mr. Wright:

S. 32. Relating to Talladega County; proposing an amendment to the Constitution of Alabama relative to regulating the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega County; ordering a special election upon the proposed amendment.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 10. To amend Section 298 of Title 52 of the Code of Alabama (1940), which relates to the minimum age at which children may attend school.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee in session, has compared the following enrolled bill with the engrossed and original bill, respectfully, and finds same correctly enrolled, to-wit:

S. 32. Relating to Talladega County; proposing an amendment to the Constitution of Alabama relative to regulating the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega County; ordering a special election upon the proposed amendment.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Morring:

H. 39. Relating to the compensation of the judge of the Inferior Court of any municipality in the State which has a population of not more than 15,000 and not less than 13,000 inhabitants.

Also:

By Messrs. Leonard and Ganey:

H. 40. To alter and rearrange and extend the Corporate Limits of the City of Sylacauga, Talladega County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

To Whom It May Concern:

Notice is hereby given that a Bill will be introduced for passage at the 1950 session of the Legislature of Alabama, the substances of which said bill is as follows:

A BILL
TO BE ENTITLED
AN ACT

To Alter and Rearrange and Extend the Corporate Limits of the City of Sylacauga, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section I. That the Corporate Limits of the City of Sylacauga, Talladega County, Alabama be changed and extended to include the following territory:

(a) The Southwest one-quarter of Northwest one-quarter of Section 5, Township 22 South, Range 4 East.

(b) The Northeast one-quarter of Northeast one-quarter of Section 6, Township 22 South, Range 4 East.

(c) The Southeast one-quarter of Northeast one-quarter of Section 6, Township 22 South Range 4 East.

(d) The Northwest one-quarter of Northeast one-quarter of Section 6, Township 22 South, Range 4 East.

(e) The Southwest one-quarter of Northeast one-quarter of Section 6, Township 22 South, Range 4 East.

Section II. This Act shall take effect immediately upon its passage and approval of the Governor.

Approved:
ED HOWARD,
Mayor.

Attest:

C. J. JOHNSON,
City Clerk.

This is to certify that the attached notice appeared in the Sylacauga News, a newspaper published in Sylacauga, Talladega County, Alabama for four consecutive issues, namely June 8, 15, 22, 29, 1950.

J. V. GREER,
Editor and Publisher.

Subscribed and sworn to before me this 10 day of July, 1950.

HAZEL B. JOHNSON,
Notary Public.

Also:

By Messrs. Miller and Roberts:

H. 41. To amend Section 2 of Act No. 436, General Acts of Alabama, Page 316, entitled: "To provide for the appointment of a Chief Clerk by the Circuit Solicitor in all judicial circuits that now is or may hereafter be composed of only two counties, one of which such counties is now or may hereafter be divided into two jurisdictions or judicial divisions with the holding of the Circuit Court in each jurisdiction or judicial division of such county so divided and said Circuit having only two Judges, to fix the term of office and to prescribe the duties of said Chief Clerk and to require said Chief Clerk, in addition to his work as Chief Clerk, to do stenographic and secretarial work and investigations for said Solicitor, to fix the compensation of said Chief Clerk, to provide that said compensation shall be paid out of the General Funds of the Counties com-

posing said judicial circuits and how the same shall be paid out of the General Funds of the Counties composing said judicial circuits and how the same shall be paid, and further provide that the board of revenue or other governing body of the county paying the larger portion of the salary may suspend from time to time the operation of this act.", approved September 25, 1947.

Also:

By Mr. McDaniel:

H. 42. For the relief of Maude Mooney and to authorize and direct the Board of Revenue of Walker County, Alabama to pay to the said Maude Mooney the sum of \$2,500.00 for the death of her husband, Lacey Mooney, resulting from injuries while employed as a truck driver for Walker County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

AN ACT

For the relief of Maude Mooney and to authorize and direct the Board of Revenue of Walker County, Alabama to pay to the said Maude Mooney the sum of \$2,500.00 for the death of her husband, Lacey Mooney, resulting from injuries while employed as a truck driver for Walker County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The Board of Revenue of Walker County, Alabama, is hereby authorized and directed to pay to the said Maude Mooney as compensation and damages for injuries received which resulted in the death of her husband on August 20, 1947, while an employee of the Board of Revenue of Walker County, Alabama, and while engaged in the line of duty.

Section 2. This act shall become effective sixty days after its passage and approval by the governor or it is otherwise becoming a law.

A. J. McDANIEL,
Representative from Walker County, Alabama.

6-15-50-4tc.

AFFIDAVIT

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said State and County, this day personally appeared W. I. Dove of The Union News, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the legal "An Act" who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Union News for 4 consecutive weeks, namely: June 15, 22, 29, July 6, 1950.

W. I. DOVE.

Sworn and subscribed to before me, the 10 day of July, 1950.

MRS. ANNIE DAVIS,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 39 and 41—To the Committee on Judiciary.

H. B.'s 40 and 42—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Patterson:

S. J. R. 14. Relative to expressing appreciation to the Alabama Peace Officers for the luncheon served and entertainment given the Legislative body on July 11, 1950.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

BILL ON THIRD READING

The Bill:

S. 23. To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

Was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Clayton	Howle	Patterson
Allen	Coleman	Hughes	Patton
Barrett	Fite	Kendall	Quarles
Boutwell	Golson	Kimbrell	Russell
Bridges	Hardwick	Lamberth	Swift
Burnside	Harvey	Lowe	Wright
Cater			

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Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Miller:

H. J. R. 19. Be it resolved by the House, the Senate concurring, that H. B. 10 which has passed both Houses be known as the Miller-Gulledge Bill.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended, and the Resolution, H. J. R. 19 set out in the foregoing Message from the House, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Harris:

H. J. R. 18. BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, that when the two Houses adjourn Thursday, July 13, 1950, they adjourn sine die.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended, and the Resolution, H. J. R. 18, set out in the foregoing Message from the House, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Harris:

H. J. R. 23. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of six (6), three members of the House to be appointed by the Speaker of the House, and three members of the Senate to be appointed by the Presiding Officer of the Senate, to wait upon the Governor and inform him that the Legislature now stands ready to adjourn sine die and awaits any further message that he might desire to transmit.

And the Speaker has named on the part of the House Messrs. Merrill, O'Neal, and Crocker.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended and the Resolution, H. J. R. 23, set out in the foregoing Message from the House, was adopted by the Senate.

The President and Presiding Officer of the Senate appointed as Committee on Part of the Senate Messrs. Swift, Harvey and Hardwick.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 19. Relative to designating H. B. 10 as the Miller-Gulledge Bill.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

The reading at length of the Journal of the Senate for the Fifth Legislative Day, was completed by the Secretary, and same was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Adams:

H. 23. Relating to legislative representation; fixing the number of senators and dividing the State into as many senatorial districts as there are senators.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 23—To the Committee on Judiciary.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate bills and Senate Joint Resolutions delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. J. R. 10. Delivered to the Governor, July 7, 1950 at 11:40 A. M.

S. J. R. 15. Delivered to the Governor, July 13, 1950 at 10:31 A. M.

S. B. 3. Delivered to the Governor, July 13, 1950 at 10:31 A. M.

S. B. 33. Delivered to the Governor, July 13, 1950, at 10:31 A. M.

S. B. 26. Delivered to the Secretary of State, July 13, 1950 at 10:35 A. M.

S. B. 32. Delivered to the Secretary of State, July 13, 1950 at 11:25 A. M.

J. E. SPEIGHT,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

Mr. Hardwick, member of the Committee appointed to wait upon the Governor, reported that the Governor had no further Message.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journals of the Senate for the Fourth, Fifth and Sixth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journals of the Senate for the Fourth, Fifth and Sixth Legislative Days approved by the Senate.

ADJOURNMENT

At one o'clock P. M., on motion of Mr. Hardwick, and in accordance with joint Resolution heretofore adopted, the Senate adjourned sine die.

J. C. INZER,

President and Presiding Officer of the Senate.

Attest:

J. E. SPEIGHT,
Secretary of Senate.

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SECOND EXTRAORDINARY SESSION

1950

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- Sec. 9, Act No. 424, H. 351, Acts of Alabama 1949, relative to absentee voting. H. B. 9, page 70.
- Secs. 1, 2 and 5 of Act 317, approved Dec. 9, 1859, as amended, relative to incorporating the Grand Lodge of Free and Accepted Masons and the subordinate lodges. H. B. 26, page 72.
- Act No. 528, H. 992, approved Sept. 2, 1949, relative to a county-wide personnel system in counties of not less than 100,000 and not more than 140,000 population. H. B. 34, page 66.
- Sec. 2 of Act No. 436, general acts of Alabama, page 316, providing for appointment of a chief clerk in all judicial circuits composed of only 2 counties, approved Sept. 25, 1947. H. B. 41, page 85.

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- Act No. 424, local acts 1947, page 281, levying additional taxes in Tuscaloosa County. H. B. 14, page 60.

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- For J. L. Messer for damages to him by a state truck. S. B. 9, pages 8-30-38.
- For demonstration project of highway-right-of way markers. S. B. 22, pages 10-30.
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 Sec. 298, Title 52, relative to minimum school age for children. H. B. 10, pages 68, 74, 82, 84.
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 Sec. 181 relative to fixing qualification to register as an elector and redistricting and composition of State Senate. S. B. 25, pages 10-29.
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JOURNAL
OF THE
SENATE
OF
ALABAMA

THIRD SPECIAL SESSION 1950

HELD IN THE CITY OF MONTGOMERY COMMENCING
THURSDAY, JULY 27, 1950



WITH AN INDEX PREPARED BY THE SECRETARY OF THE
SENATE

Brown Printing Co.
Printers—Binders
Montgomery, Alabama

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
THIRD EXTRAORDINARY SESSION 1950
FIRST DAY

Thursday, July 27, 1950,
Montgomery, Alabama.

BE IT REMEMBERED, That on the 26th day of July, 1950, James E. Folsom, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

A PROCLAMATION BY THE GOVERNOR

WHEREAS, the members of the Constitutional Convention who prepared and promulgated the Constitution of 1901 recognizing that population shifts would occur in the State of Alabama from time to time; and the voters of the State who by their ballots ratified said Constitution, understanding the provisions of apportioning membership in the House and the Senate after each decennial census, beginning in 1910, as provided by Sections 199 and 200 of said Constitution; and

WHEREAS, each of the several Legislatures which have convened since the decennial census of 1910, including the present Legislature, have failed to perform the duty required by it by Section 199 and 200 of said Constitution, and the membership thereof has failed or refused to keep and perform the oath of office to which they each subscribed upon entering upon the duties of their respective offices; and

WHEREAS, the failure of the Legislature to comply with the provisions of said Sections 199 and 200 of the Constitution of 1901 has caused to be abridged the privileges or immunities of the citizens of the State of Alabama and tends to deprive said citizens of the due process of law guaranteed to them under the Fourteenth Amendment of the Constitution of the United States; and

WHEREAS, this is the fourth time that I, James E. Folsom, as Chief Executive of the State of Alabama, have called the Legislature into Special Session, for the express purpose of complying with Sections 199 and 200 of the Constitution of Alabama of 1901; and

WHEREAS, the Legislature illegally adjourned without complying with said Sections 199 and 200 of the said Constitution of 1901; and leading Constitutional authorities are of the opinion that any Act attempted to be passed by this legislature, or any subsequent legislature could not legally become a law because of the failure of the said legislature to take action when specifically called for the purpose of reapportionment.

WHEREAS, the possible illegality of future Acts of the Legislature has caused an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, James E. Folsom, as Governor of the State of Alabama, do hereby proclaim such extraordinary occasion to exist and I proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 12:00 M. on Thursday, the 27th day of July, 1950, and I do hereby designate the following suggestions and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1. To pass or adopt an Act or resolution providing for the holding of a Convention to alter, revise or amend the Constitution of the State of Alabama, and especially to provide for the reapportionment of the Legislature as provided in the Constitution of 1901, and submitting the question of Convention or no Convention to a vote of all of the qualified electors of the State of Alabama for their approval, as provided by Article XVIII of the Constitution of Alabama of 1901.

2. To pass an Act proposing an Amendment to Section 50 of the Constitution of Alabama 1901 providing for one Senator from each County in the State of Alabama, and to fix the number of representatives and apportion them among the several counties of the State, according to the number of inhabitants in them respectively.

3. To pass an Act proposing an Amendment to Section 197 of the Constitution of Alabama of 1901 providing for one Senator from each County in the State of Alabama.

4. To pass an Act proposing an Amendment to Section 198 of the Constitution of 1901 to fix the number of the members of the house of representatives and to make a reapportionment of the members of the house of representatives among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States, which apportionment when made shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken, as prescribed by Section 198 of the Constitution of 1901.

5. To pass an Act fixing by law the number of representatives, and apportioning them among the several counties of the State, according to the number of inhabitants in them, respectively, providing that each county shall be entitled to at least one representative, as prescribed by Section 199 of the Constitution of 1901.

6. To pass an Act proposing and Amendment to Section 200 of the Constitution of Alabama of 1901 to provide that the State of Alabama be divided into sixty-seven (67) Senatorial Districts, each district to consist of one County, and providing that counties created after the adoption of this amendment shall constitute an additional Senatorial District, and to provide that one Senator be elected in and for each Senatorial District.

7. To reapportion the legislature of Alabama to comply with Article IX of the Constitution of Alabama of 1901 in such other, further or different manner as may in the wisdom of the legislature seem fit and proper.

8. To provide for the passage of any local legislation applicable to single counties or subdivisions thereof.

DONE at the Capitol of the State of Alabama on this the 26th day of July, 1950.

JAMES E. FOLSOM,
Governor.

Attest:
SIBYL POOL,
Secretary of State.

Pursuant to said proclamation, at the hour of 12 o'clock noon, on Thursday, July 27, 1950, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Lieutenant-Governor Inzer. J. E. Speight, Secretary was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Rev. J. H. Brown, Pastor, Highland Gardens Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Patterson
Allen	Fite	Hooton	Patton
Barrett	Gaither	Howle	Perry
Boutwell	Glover	Hughes	Quarles
Bridges	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Wright
Coleman			

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LEAVE OF ABSENCE

On motion of Mr. Boutwell leave of absence was granted Mr. Kendall for today.

RESOLUTION

Mr. Clayton offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. RESOLVED BY THE SENATE, the House of Representatives concurring, that when the Legislature adjourns today it adjourns sine die.

Which was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Patton:

S. B. 1. To prohibit members of the Legislature from receiving or agreeing to receive, any consideration for procuring any contract, appointive office or place from the State of Alabama or any agent or agency thereof, or for giving any such contract, appointive office or place; prohibiting them from giving, or agreeing to give, any consideration for the procuring of any such contract, appointive office or place; making any such agreements null and void; prohibiting members of the Legislature, with certain exceptions, from accepting any employment, position, or office of profit under the State of Alabama or any agency thereof, or from receiving any consideration, compensation, or profit for any services rendered to the State of Alabama or any agency thereof; and fixing penalties for the violation of the provisions of the Act.

Committee on Judiciary.

By Mr. Patton:

S. B. 2. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

Committee on Public Health.

By Messrs. Patton and Hardwick:

S. B. 3. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one senator from each county; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature; and providing for the payment of the expenses of holding the election.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Patton:

S. B. 4. Proposing an amendment to the Constitution of Alabama relating to Limestone County and the municipality of Athens, and ordering an election thereon.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gullledge:

S. B. 5. To provide further for the registration of births; and prescribing penalties for violations of the Act.

Committee on Public Health.

By Mr. Gullledge:

S. B. 6. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. B. 7. To amend Section 1 of Title 52, Code of Alabama (1940), which relates to the qualification and selection of school trustees.

Committee on Education.

By Mr. Gullledge:

S. B. 8. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

Committee on Privileges and Elections.

By Mr. Gullledge:

S. B. 9. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gullledge:

S. B. 10. To make it a misdemeanor for any state official or employee to use or permit any other person to use a state-owned automobile or other motor vehicle for any purpose other than official state business.

Committee on Judiciary.

By Mr. Gullledge:

S. B. 11. To make it unlawful to sell any spirituous, vinous, or other alcoholic beverage, except malt or brewed beverages, in any place

except stores operated by the Alabama Alcoholic Beverage Control Board; provide for the purchase by the Alabama Alcoholic Beverage Control Board of any stock in the hands of dealers when this Act becomes effective.

Committee on Temperance.

By Mr. Gulledge:

S. B. 12. To amend Section 73 of Title 29 of the Code of Alabama (1940) which relates to unlawful sites for liquor stores.

Committee on Temperance.

By Mr. Gulledge:

S. B. 13. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.

Committee on Forestry and Conservation.

By Mr. Gulledge:

S. B. 14. To regulate trafficking in poles, posts, logs, or parts thereof, whether growing or dead, standing or cut down: requiring vendors of poles, posts, logs, or parts thereof taken or severed from the lands of another to be licensed by the Department of Conservation; invalidating sales of such poles, posts, logs, or parts thereof, unless bills of sale are executed; imposing upon buyers the rule of caveat emptor as to such sales; defining violations of the Act and prescribing penalties therefor.

Committee on Forestry and Conservation.

By Mr. Perry:

S. B. 15. To propose an amendment to the Constitution of Alabama fixing the terms of office and regulating the fees, commissions, allowances, and salaries of certain officers of Marengo County; and ordering an election upon the proposed amendment to be held on the date of the general election next succeeding the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Henderson:

S. B. 16. To propose an amendment to the Constitution of Alabama.
Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Henderson:

S. B. 17. To provide further regulations governing the administration of pardons and paroles.

Committee on Judiciary.

By Mr. Henderson:

S. B. 18. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

Committee on Temperance.

By Mr. Henderson:

S. B. 19. To provide for the construction and maintenance of a demonstration project in highway right-of-way maintenance for experimental purposes and to make an appropriation for that purpose.

Committee on Finance and Taxation.

By Mr. Henderson:

S. B. 20. Providing for and requiring instruction in the public schools concerning the influence and effect of alcohol on human health and behavior; creating the position of Supervisor of Temperance Education in the State Department of Education with assistants and clerical help, defining his duties and powers related to such instruction; and requiring reports by county and city superintendents of education concerning such instruction.

Committee on Temperance.

By Mr. Henderson:

S. B. 21. To prohibit the exhibition of motion pictures which are obscene, immoral, or criminal in their nature, or of a character to offend racial or religious sensibilities, and thereby inflame or incite a part of the community to disorder, or to tend to produce a harmful impression on the minds of children, and to prescribe the punishment therefor.

Committee on Judiciary.

By Mr. Clayton:

S. B. 22. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector and providing therefor and ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Cater:

S. B. 23. To amend Sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the Subordinate Lodges under its jurisdiction," as amended.

Committee on Judiciary.

By Mr. Cater:

S. B. 24. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Committee on Finance and Taxation.

By Mr. Quarles:

S. B. 25. To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

Committee on Military.

By Messrs. Fite and Kimbrell:

S. B. 26. To submit to a vote of the qualified electors of the State the question of holding a convention for the purpose of revising the Constitution of Alabama, and to provide for the election of the delegates and to provide for the holding of the convention in the event a majority of the electors voting at the election favor it.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Coleman and Lowe:

S. B. 27. To amend Section 86 of Title 8 of the Code of Alabama of 1940, which relates to Hunting at night; exception as to fur-bearers.

Committee on Judiciary.

By Mr. Hardwick:

S. B. 28. Proposing an amendment to the Constitution of Alabama relating to Limestone, Houston, and Henry Counties, and ordering an election thereon.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Summerlin:

S. B. 29. Relating to legislative representation; fixing the number of senators and dividing the State into as many senatorial districts as there are senators.

Committee on Judiciary.

By Mr. Kimbrell:

S. B. 30. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Fayette County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Fayette County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House of Representatives to notify the Senate that the House of Representatives is now in session and is ready for the transaction of public business.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Roberts:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED that the said Committee ascertain and report back to these bodies if the Governor desires to address a joint session of the Legislature, and if so, the time most suitable to his Excellency.

And the Speaker of the House named as a Committee on the part of the House Messrs. Roberts, McDonald, and Pinson.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Swift, the Rules were suspended, and the Resolution, H. J. R. 2, set out in the foregoing Message from the House was adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Hughes and Gaither.

RESOLUTIONS

Mr. Russell offered the following Senate Resolution, to-wit:

S. R. 2. Be it resolved by the Senate of Alabama, That the Justices of the Supreme Court of Alabama, or a majority of them, are respectfully requested to give this body their written opinions concerning the following important constitutional questions:

1. Does the failure of a Legislature to fix by law the number of representatives and apportion them among the several counties as required by Section 199 of the Constitution invalidate the Acts of a Legislature, the members of which were elected thereafter?

2. Does the failure of a Legislature to fix by law the number of senators, and to divide the state into as many senatorial districts as there are senators as required by Section 200 of the Constitution and fix the number of senators as required by Section 200 of the Constitution to make such apportionment and perform the mandate of the Constitution, and the Governor's call, invalidate subsequent Acts of that Legislature or any Legislature, the members of which are thereafter elected?

Which was read and referred to the Standing Committee on Rules.

Mr. Lowe offered the following Senate Resolution, to-wit:

S. R. 3. WHEREAS the Supreme Court of Alabama has returned to the Senate in response to the request of the Senate, the opinion of the Supreme Court that the office of Commissioner of Public Welfare is an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama, and

WHEREAS the Senator from the 10th Senatorial District, after his election and being sworn in and serving as a member of the Senate did accept said office as Commissioner of Public Welfare.

NOW THEREFORE it is the judgment of the Senate that the said Senator from the 10th Senatorial District is disqualified from serving as a member of the Senate, and that the office of Senator from the 10th Senatorial District of Alabama is vacant.

Which was read and referred to the Standing Committee on Rules.

Mr. Gullledge offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. Proposing an amendment to the Constitution relating to sessions of the Legislature, and ordering an election thereon.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA:

1. The following amendment of the Constitution of Alabama is proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

AMENDMENT

"(a) All sessions of the legislature shall be held at the capitol in the senate chamber and in the hall of the house of representatives, unless at any time it should from any cause become impossible or dangerous for

the legislature to meet or remain at the capitol or for the senate to meet or remain in the senate chamber, or for the representatives to meet or remain in the hall of the house of representatives, in which case the governor may convene the legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require.

"(b) The legislature shall convene at ten o'clock ante meridian on the second Tuesday in January next succeeding its election and shall remain in session for not longer than four consecutive calendar days, after which the Legislature shall be in recess until the second Tuesday in May following. No business can be transacted at such session except as follows: the organization of the legislature for the ensuing four years, which organization shall include the election of officers and the appointment or election of standing and special committees of the senate and the house of representatives, or of both houses; the opening and publication of returns and the ascertainment and declaration of the results of elections for governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, superintendent of education, and commissioner of agriculture and industries, the election of such officers in event of a tie vote, and the determination of contested elections for such officers; judging of the election returns and qualifications of the members of the legislature; and the introduction only of bills.

"(c) At the beginning of each organization session, and at such other times as may be necessary, the senate shall elect one of its members president pro tempore thereof, who shall preside in the absence of the lieutenant governor, and the house of representatives shall elect one of its members as speaker, who shall preside over its deliberations. The president pro tempore of the senate and the speaker of the house of representatives shall each hold his respective office for four years or until his successor has been elected and qualified.

"(d) The legislature shall convene in regular session at ten o'clock ante meridian on the second Tuesday in May of 1951, and at ten o'clock ante meridian on the second Tuesday in May of each year thereafter, until the time of meeting shall have been changed by act of the legislature approved by the governor. The legislature shall not remain in session longer than twenty-five days, including the days of the organizational session, at any such regular session.

"(e) Special sessions of the legislature convened in the manner provided by the Constitution shall also be limited to fifteen days.

"(f) The pay of members of the legislature shall be ten dollars per day. Each member shall be allowed ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled, for each session of the legislature. In addition to his travel allowance, each member shall be allowed expenses, other than actual expenses of traveling, in an amount to be fixed by the legislature at each session thereof.

"(g) Any provision of this Constitution which conflicts with the provisions of this amendment is hereby annulled."

2. An election upon the proposed amendment is ordered to be held on the date of the first general election held after the final adjournment of this session of the Legislature. Notice of the election and of the proposed amendment shall be given by a proclamation of the Governor published once a week for four successive weeks next preceding the day appointed for the election in some newspaper in each county of the State. In every county in which there is no newspaper published, the notice shall be posted at each court house and post office. The election shall be governed in all things by Article XVIII of the Constitution, as amended, and Article 18, Chapter 1, Title 17, Code of Alabama (1940).

Which was read at length and referred to the Standing Committee on Constitution and Constitutional Revisions and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Roberts:

H. J. R. 4. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING that the two Houses meet in joint session in the Hall of the House of Representatives at 12:50 for the purpose of hearing an address by His Excellency the Governor.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended, and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was adopted by the Senate.

JOINT SESSION

The hour of 12:50 o'clock P. M., having arrived and in accordance with Joint Resolution heretofore adopted, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor.

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber, and was called to order by Lieutenant-Governor Inzer.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Patterson
Allen	Fite	Hooton	Patton
Barrett	Gaither	Howle	Perry
Boutwell	Glover	Hughes	Quarles
Bridges	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Wright
Coleman			

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The Rules Committee offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. RESOLVED by the Senate, the House concurring, that the Legislature do now adjourn sine die.

Which was adopted.

Yeas 17; Nays 13.

Yeas:

Messrs.:	Clayton	Hughes	Quarles
Allen	Coleman	Lowe	Russell
Boutwell	Glover	Patterson	Swift
Bridges	Golson	Patton	Wright
Cater	Henderson		

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Nays:

Messrs.:	Fite	Hooton	Lamberth
Barrett	Gaither	Howle	Mize
Burnside	Gulledge	Kimbrell	Perry
Cooper	Harvey		

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RECESS

At 1:20 P. M., on motion of Mr. Clayton, the Senate took a recess until three o'clock this afternoon.

AFTERNOON SESSION

FIRST DAY

THURSDAY, JULY 27, 1950

The Senate re-assembled at 3 o'clock P. M., Lieutenant-Governor Inzer presiding.

ROLL CALL

Present:

Messrs.:	Cater	Hughes	Patterson
Allen	Coleman	Kimbrell	Quarles
Barrett	Cooper	Lamberth	Russell
Boutwell	Fite	Lowe	Summerlin
Bridges	Gulledge	Mize	Wright
Burnside	Henderson		

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RESOLUTION

Mr. Lowe offered the following Senate Resolution, to-wit:

S. R. 6. BE IT RESOLVED BY THE SENATE, that the Presiding Officer of the Senate appoint three members of the Senate to wait upon the Governor and advise him that the Senate is about to adjourn sine die and request that he convey to said members so waiting upon him any message which he desires to be transmitted to the Senate.

And the Rules were suspended and the resolution was adopted by the Senate.

The President and Presiding Officer of the Senate appointed as Committee Messrs. Lowe, Lamberth and Gulledge.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint Resolution:

By Mr. Harris:

H. J. R. 7. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING that the Journals of this session of the Legislature be bound with the next session.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended, and the Resolution, H. J. R. 7, set out in the foregoing Message from the House, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Rules Committee:

S. J. R. 5. Relative to adjourning sine die.
And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

REPORT OF COMMITTEE

Mr. Lowe, member of the Senate Committee appointed to advise the Governor the Legislature stands ready to adjourn sine die and awaits any message he may desire to transmit, reported that the Governor had no further Message for the Legislature; the Governor stated that he planned to issue a call for an Extraordinary Session to convene Monday, July 31, 1950.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day approved by the Senate.

ADJOURNMENT

At 3:10 P. M., on motion of Mr. Lowe and in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

J. C. INZER,
President and Presiding Officer of the Senate.

Attest:

J. E. SPEIGHT,
Secretary of Senate.

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THIRD EXTRAORDINARY SESSION

1950

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JOURNAL
OF THE
S E N A T E
OF
ALABAMA

FOURTH SPECIAL SESSION 1950

HELD IN THE CITY OF MONTGOMERY COMMENCING

MONDAY, JULY 31, 1950



WITH AN INDEX PREPARED BY THE SECRETARY OF THE
SENATE

Brown Printing Co.
Printers—Binders
Montgomery, Alabama

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
FOURTH EXTRAORDINARY SESSION 1950
FIRST DAY
MONDAY, JULY 31, 1950

Montgomery, Alabama.

BE IT REMEMBERED, That on the 27th day of July, 1950, James E. Folsom, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

A PROCLAMATION BY THE GOVERNOR

WHEREAS, the members of the Constitutional Convention who prepared and promulgated the Constitution of 1901 recognizing that population shifts would occur in the State of Alabama from time to time; and the voters of the State who by their ballots ratified said Constitution, understanding the provisions of apportioning membership in the House and the Senate after each decennial census, beginning in 1910, as provided by Sections 199 and 200 of said Constitution; and

WHEREAS, each of the several Legislatures which have convened since the decennial census of 1910, including the present Legislature, have failed to perform the duty required by it by Section 199 and 200 of said Constitution, and the membership thereof has failed or refused to keep and perform the oath of office to which they each subscribed upon entering upon the duties of their respective offices; and

WHEREAS, the failure of the Legislature to comply with the provisions of said Sections 199 and 200 of the Constitution of 1901 has caused to be abridged the privileges or immunities of the citizens of the State of Alabama and tends to deprive said citizens of the due process of law guaranteed to them under the Fourteenth Amendment of the Constitution of the United States; and

WHEREAS, this is the fifth time that I, James E. Folsom, as Chief Executive of the State of Alabama, have called the Legislature into Special Session, for the express purpose of complying with Sections 199 and 200 of the Constitution of Alabama of 1901; and

WHEREAS, the Legislature illegally adjourned without complying with said Sections 199 and 200 of the said Constitution of 1901; and leading Constitutional authorities are of the opinion that any Act attempted to be passed by this Legislature, or any subsequent legislature could not legally become a law because of the failure of the said legislature to take action when specifically called for the purpose of reapportionment.

WHEREAS, the possible illegality of future Acts of the Legislature has caused an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, James E. Folsom, as Governor of the State of Alabama, do hereby proclaim such extraordinary occasion to exist and I proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama at 12:00 M. on Monday, the 31st day of July, 1950, and I do hereby designate the following suggestions and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1. To pass or adopt an Act or resolution providing for the holding of a Convention to alter, revise or amend the Constitution of the State of Alabama, and especially to provide for the reapportionment of the Legislature as provided in the Constitution of 1901, and submitting the question of Convention or no Convention to a vote of all of the qualified electors of the State of Alabama for their approval, as provided by Article XVIII of the Constitution of Alabama of 1901.

2. To pass an Act proposing an Amendment to Section 50 of the Constitution of Alabama 1901 providing for one Senator from each County in the State of Alabama, and to fix the number of representatives and apportion them among the several counties of the State, according to the number of inhabitants in them respectively.

3. To pass an Act proposing an Amendment to Section 197 of the Constitution of Alabama of 1901 providing for one Senator from each County in the State of Alabama.

4. To pass an Act proposing an Amendment to Section 192 of the Constitution of 1901 to fix the number of the members of the house of representatives and to make a reapportionment of the members of the house of representatives among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States, which apportionment when made shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken, as prescribed by Section 198 of the Constitution of 1901.

5. To pass an Act fixing by law the number of representatives and apportioning them among the several counties of the State, according to the number of inhabitants in them, respectively, providing that each county shall be entitled to at least one representative, as prescribed by Section 199 of the Constitution of 1901.

6. To pass an Act proposing an Amendment to Section 200 of the Constitution of Alabama of 1901 to provide that the State of Alabama be divided into sixty-seven (67) Senatorial Districts, each district to consist of one County, and providing that counties created after the adoption of this amendment shall constitute an additional Senatorial District, and to provide that one Senator be elected in and for each Senatorial District.

7. To reapportion the legislature of Alabama to comply with Article IX of the Constitution of Alabama of 1901 in such other, further or different manner as may in the wisdom of the legislature seem fit and proper.

8. To provide for the passage of any local legislation applicable to single counties or subdivisions thereof.

DONE at the Capitol of the State of Alabama on this the 27th day of July, 1950.

JAMES E. FOLSOM,
Governor.

Attest:
SIBYL POOL,
Secretary of State

Pursuant to said proclamation, at the hour of 12 o'clock noon, on Monday, the 31st day of July, 1950, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Lieutenant-Governor Clarence Inzer, President of the Senate. J. E. Speight, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Reverend James Morrison, Acting Pastor, St. Bedes Catholic Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Coleman	Henderson	Lowe
Allen	Cooper	Hooton	Mize
Barrett	Fite	Howle	Patterson
Boutwell	Gaither	Hughes	Patton
Bridges	Glover	Kendall	Quarles
Burnside	Golson	Kimbrell	Russell
Cater	Gulledge	Lamberth	Summerlin
Clayton	Harvey		

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LEAVES OF ABSENCE

On motion of Mr. Hughes, leave of absence was granted Mr. Hardwick for today.

On motion of Mr. Boutwell, leave of absence was granted Mr. Swift for today.

On motion of Mr. Lowe, leave of absence was granted Mr. Wright for today.

RESOLUTION

Mr. Clayton offered the following Senate Joint Resolution, to-wit: S. J. R. 1. **RESOLVED** by the Senate, the House concurring, that the Legislature do adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House of Representatives to notify the Senate that the House is now in session and is ready for the transaction of public business.

R. T. GOODWYN, JR.,
Clerk.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Patton:

S. B. 1. To prohibit members of the Legislature from receiving or agreeing to receive, any consideration for procuring any contract, appointive office or place from the State of Alabama or any agent or agency thereof, or for giving any such contract, appointive office or place; prohibiting them from giving, or agreeing to give, any consideration for the procuring of any such contract, appointive office or place; making any such agreements null and void; prohibiting members of the Legislature, with certain exceptions, from accepting any employment, position, or office of profit under the State of Alabama or any agency thereof, or from receiving any consideration, compensation, or profit for any serv-

ices rendered to the State of Alabama or any agency thereof; and fixing penalties for the violation of the provisions of the Act.

Committee on Judiciary.

By Mr. Patton:

S. B. 2. Proposing an amendment to the Constitution of Alabama relating to Limestone County and the municipality of Athens, and ordering an election thereon.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Patton:

S. B. 3. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

Committee on Public Health.

By Mr. Patton:

S. B. 4. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one senator from each county; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature; and providing for the payment of the expenses of holding the election.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Allen:

S. B. 5. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Committee on Finance and Taxation.

By Mr. Allen:

S. B. 6. To provide legal counsel for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. B. 7. To provide further for the registration of births; and prescribing penalties for violations of the Act.

Committee on Public Health.

By Mr. Gullledge:

S. B. 8. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

Committee on Finance and Taxation.

By Mr. Kendall:

S. B. 9. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Committee on Municipalities and Municipal Organizations.

By Messrs. Clayton and Henderson:

S. B. 10. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector and providing therefor and ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Kimbrell:

S. B. 11. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Fayette County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Fayette County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Fite and Kimbrell:

S. B. 12. To submit to a vote of the qualified electors of the State the question of holding a convention for the purpose of revising the Constitution of Alabama, and to provide for the election of the delegates and to provide for the holding of the convention in the event a majority of the electors voting at the election favor it.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Summerlin:

S. B. 13. Relating to legislative representation; fixing the number of senators and dividing the State into as many senatorial districts as there are senators.

Committee on Judiciary.

By Mr. Cater:

S. B. 14. To amend Sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the Subordinate Lodges under its jurisdiction," as amended.

Committee on Judiciary.

By Messrs. Quarles and Henderson:

S. B. 15. To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

Committee on Finance and Taxation.

By Messrs. Coleman, Lowe, Hughes and Hooton:

S. B. 16. To amend Section 86 of Title 8, Code of Alabama (1940), which relates to hunting at nighttime.

Committee on Judiciary.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor.

Respectfully submitted,
W. V. (Bill) LYERLY,
Executive Secretary.

July 31, 1950.

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

The purpose for which you have been called into this Special Session is right by every Constitutional rule and statute. The provisions of the Constitution of Alabama, as well as the statutes, should be enforced. It is your duty under the Constitution and your responsibility, under your oaths that you took when you assumed the duties of the office, to provide a more equitable reapportionment of the Legislature. The people are demanding that something be done to solve this important problem.

My position in this matter has been made clear in several past joint sessions. I feel certain that you as the Legislative Body of the State will take action to insure legislative equality and protection for all of the people of Alabama.

Respectfully,
JAMES E. FOLSOM,
Governor.

July 31, 1950.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

RESOLUTIONS

Mr. Lowe offered the following Senate Resolution, to-wit:

S. R. 2. WHEREAS the Supreme Court of Alabama has returned to the Senate in response to the request of the Senate, the opinion of the Supreme Court that the office of Commissioner of Public Welfare is an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama, and

WHEREAS the Senator from the 10th Senatorial District, after his election and being sworn in and serving as a member of the Senate did accept said office as Commissioner of Public Welfare.

NOW THEREFORE it is the judgment of the Senate that the said Senator from the 10th Senatorial District is disqualified from serving as a member of the Senate, and that the office of Senator from the 10th Senatorial District of Alabama is vacant.

Which was read and referred to the Standing Committee on Rules.

Mr. Clayton offered the following Senate Resolution, to-wit:

S. R. 3. WHEREAS in the last two months the Governor has called the Legislature into Special session on four separate occasions to consider certain legislation, proposed amendments to the constitution, and whether the question of holding a constitutional convention should be submitted to the people, and

WHEREAS the Legislature has heretofore repeatedly considered and voted upon each of these subjects not only in special sessions but also in the regular sessions of 1947 and 1949, and

WHEREAS there is no probability that the Legislature at a Special session will reach any agreement upon a reapportionment measure, and

WHEREAS it is the opinion of a majority of the members of the Senate, that there does not now, and has never heretofore existed an extraordinary occasion justifying the convening of the Legislature in special session to consider either of the subjects embraced in the present and preceding special calls, and

WHEREAS any action now taken by the Legislature on either of the subjects embraced in the present call could not become effective until 1954, before which date the Legislature will have met in extended regular sessions in 1951 and 1953, at either of which all questions included in the present special call can be fully considered and acted upon without the necessity of great expense and inconvenience attendant upon a called special session, and

WHEREAS the Chief Executive has publicly asserted his intention to continue to convene the Legislature in special session until a required majority of its members approve his demands, and

WHEREAS in the opinion of the Senate the action of the Chief Executive in the particulars herein set forth ill become the Chief Executive of a free state, partaking more of the arrogant conduct of a dictator of brow-beaten subjects, and evidence a thorough disregard of the independent responsibilities of the Legislature,

THEREFORE, BE IT RESOLVED BY THE SENATE:

1. That it is the opinion of the Senate that the Chief Executive has flagrantly abused the power reposed in him to call the Legislature into special session.

2. That the Senate by this resolution register its high disapproval of the action of the Chief Executive in seeking to embarrass members of the Legislature, and thus influence their will, by false charges recklessly made that the Legislature has failed and refused to take any action upon the subjects embraced in the several special calls.

3. That the Senate protests the great expense and cost to the State occasioned by the continued convening of the Legislature in unnecessary special sessions.

4. That a copy of this resolution to be forthwith handed the Chief Executive, and a copy be simultaneously released to the press, that the Governor and the public may immediately be informed of the whole-hearted disapproval by the Senate of the action of the Chief Executive, and threats to continue such action until the duly elected representatives of the people surrender their Constitutionally imposed prerogatives, powers and responsibilities as an independent branch of the Government and submit to his arbitrary will.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Patterson offered the following motion in writing: "I move that after hearing the Message of the Governor, that the Senate resolve itself into a Committee of the Whole and discuss the matter of reapportionment of the Legislature.

Patterson."

Which was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Henderson offered the following Senate Resolution, to-wit:

S. R. 4. Be it resolved by the Senate of Alabama, That the Justices of the Supreme Court of Alabama, or a majority of them, are respect-

fully requested to give this body their written opinions concerning the following important constitutional questions:

1. Does Act 241, S. 388 of the regular session of 1949 (Acts of Alabama, 1949, pp. 347-361) entitled, "An Act Relating to Wilcox County: Providing facilities for the mediation of labor disputes, equalizing the legal responsibilities of labor organizations and employers, prescribing penalties for violations of this Act, and conditioning the operation of the Act upon a favorable vote of the electorate of Wilcox County at a referendum," impose strictly non-judicial duties upon the Judge of the Fourth Judicial Circuit of Alabama contrary to Sections 42 and 43 of the Constitution?

2. Does said Act confer original jurisdiction upon the Supreme Court of Alabama contrary to Section 140 of the Constitution?

3. Are the provisions of said Act repugnant to Section 42, 43, or 140 of the Constitution?

4. Does said Act and its title meet the requirements of Section 45 of the Constitution?

5. Is said Act contrary to Section 104 of the Constitution?

6. Is said Act violative of Section 105 of the Constitution?

7. If any part of said Act is unconstitutional can that part be separated and the remainder of the Act be valid?

8. If said Act is unconstitutional can it be amended and re-enacted to meet constitutional requirements in the form of the attached bill, which bill is incorporated herein and made a part hereof the same as if it were set out verbatim?

Be it resolved further, That the Justices are respectfully requested to return their opinions to the Secretary of the Senate, whether this body be in session or not; and the Secretary shall cause said opinions to be incorporated in the journal.

Which was read and referred to the Standing Committee on Rules.

A BILL TO BE ENTITLED AN ACT

Relating to Wilcox County: Providing facilities for the mediation of labor disputes, equalizing the legal responsibilities of labor organizations and employers, making the clerk of the circuit court of Wilcox County ex officio Administrator of the Act, and prescribing penalties for violations of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this Act—

(1) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "employer" includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal Reserve Bank, or the State of Alabama or any political subdivision thereof, or any corporation or association operating a hospital, if no part of the net earnings inures to the benefit of any private shareholder or individual, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent or such labor organization.

(3) The term "employee" shall include any employee, and shall not be limited to the employees of a particular employer, unless the Act explicitly states otherwise, and shall include any individual whose work has caused as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not ob-

tained any other regular and substantially equivalent employment, but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home, or any individual employed by his parent or spouse, or any individual having the status of an independent contractor, or any individual employed as a supervisor, or by any other person who is not an employer as herein defined.

(4) The term "representatives" includes any individual or labor organization.

(5) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(6) The term "unfair labor practice" means any unfair labor practice listed in section 4.

(7) The term "labor dispute" includes any controversy concerning terms, tenure or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(8) The term "supervisor" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(9) The term "professional employee" means—

(a) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or

(b) any employee, who (i) has completed the courses of specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

(10) In determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

Section 2. Administrator. The clerk of the circuit court of Wilcox County shall be, ex officio, the Administrator of the Act and shall have authority from time to time to make, amend, and rescind, in any manner such rules and regulations as may be necessary to carry out the provisions of the Act.

Section 3. Rights of Employees. Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bar-

gaining or other mutual aid or protection, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 4 (a).

Section 4. Unfair Labor Practices. (a) It shall be an unfair labor practice for an employer—

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 3;

(2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: Provided, That subject to rules and regulations made and published pursuant to section 2, an employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;

(3) by discrimination in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage membership in any labor organization: Provided, That nothing in this Act, or in any other statute of the State of Alabama, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 4 (a) of this Act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such labor organization is the representative of the employees as provided in section 5 (a), in the appropriate collective-bargaining unit covered by such agreement when made; and (ii) if, following the most recent election held as provided in section 5 (e) the Administrator shall have certified that at least a majority of the employees eligible to vote in such election have voted to authorize such labor organization to make such an agreement: Provided further, That no employer shall justify any discrimination against an employee for nonmembership in a labor organization (A) if he has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (B) if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

(5) to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 5 (a).

(b) It shall be an unfair labor practice for a labor organization or its agents—

(1) to restrain or coerce (A) employees in the exercise of the rights guaranteed in section 3: Provided, That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein; or (B) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment or grievances;

(2) to cause or attempt to cause an employer to discriminate against an employee in violation of subsection (a) (3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) to refuse to bargain collectively with an employer, provided it is the representative of his employees subject to the provisions of section 5 (a);

(4) to engage in, or to induce or encourage the employees of any employer to engage in, a strike or a concerted refusal in the course of their employment to use, manufacture, process, transport, or otherwise handle or work on any goods, articles, materials, or commodities or to perform any services, where an object thereof is: (A) forcing or requiring any employer or self-employed person to join any labor or employer organization or any employer or other person to cease using, selling, handling, transporting, or otherwise dealing in the products of any other producer, processor, or manufacturer, or to cease doing business with any other person; (B) forcing or requiring any other employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees under the provisions of section 5; (C) forcing or requiring any employer to recognize or bargain with a particular labor organization as the representative of his employees if another labor organization has been certified as the representative of such employees under the provisions of section 5; (D) forcing or requiring any employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class, unless such employer is failing to conform to an order or certification determining the bargaining representative for employees performing such work: Provided, That nothing contained in this subsection (b) shall be construed to make unlawful a refusal by any person to enter upon the premises of any employer (other than his own employer), if the employees of such employer are engaged in a strike ratified or approved by a representative of such employees whom such employer is required to recognize under this Act;

(5) to require of employees covered by an agreement authorized under subsection (a) (3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Administrator finds excessive or discriminatory under all the circumstances. In making such a finding, the Administrator shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, and the wages currently paid to the employees affected; and

(6) to cause or attempt to cause an employer to pay or deliver or agree to pay or deliver any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.

(c) The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this Act, if such expression contains no threat of reprisal or force or promise of benefit.

(d) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment, or the negotiation of an agreement, or any question arising thereunder, and the execution of a written contract incorporating any agreement reached if requested by either party, but such obligation does not compel either party to agree to a proposal or require the making of a concession: Provided, That where there is in effect a collective-bargaining contract covering employees in any industry, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

(1) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expira-

tion date, sixty days prior to the time it is proposed to make such termination or modification;

(2) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(3) notifies the Administrator within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies the state Department of Labor, provided no agreement has been reached by that time; and

(4) continues in full force and effect, without resorting to strike or lock-out, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later: The duties imposed upon employers, employees, and labor organizations by paragraphs (2), (3), and (4) shall become inapplicable upon an intervening certification of the Administrator, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 5 (a), and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of section 4, 5, and 6 of this Act, but such loss of status for such employee shall terminate if and when he is reemployed by such employer.

Section 5. Representatives and Elections. (a) Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment; Provided, That any individual employee or a group of employees shall have the right at any time to present grievances to their employer and to have such grievances adjusted, without the intervention of the bargaining representatives, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect; Provided further, That the bargaining representative has been given opportunity to be present at such adjustment.

(b) The Administrator shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof; Provided, That the Administrator shall not (1) decide that any unit is appropriate for such purposes if such unit includes both professional employees and employees who are not professional employees unless a majority of such professional employees vote for inclusion in such unit; or (2) decide that any craft unit is inappropriate for such purposes on the ground that a different unit has been established by a prior determination of the Administrator, unless a majority of the employees in the proposed craft unit vote against separate representation or (3) decide that any unit is appropriate for such purposes if it includes, together with other employees, any individual employed as a guard to enforce against employees and other persons rules to protect property of the employer or to protect the safety of persons on the employer's premises; but no labor organization shall be certified as the representative of employees in a bargaining unit of guards if such organization admits to membership, or is affiliated directly or indirectly with

an organization which admits to membership, employees other than guards.

(c) (1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Administrator—

(A) by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a substantial number of employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 5 (a), or (ii) assert that the individual or labor organization, which has been certified or is being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 5 (a); or

(B) by an employer, alleging that one or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section 5 (a); the Administrator shall investigate such petition and if he has reasonable cause to believe that a question of representation exists shall provide for an appropriate hearing upon due notice. If the Administrator finds that such a question of representation exists, he shall direct an election by secret ballot and shall certify the results thereof.

(2) In determining whether or not a question of representation exists, the same regulations and rules of decision shall apply irrespective of the identity of the persons filing the petition or the kind of relief sought and in no case shall the Administrator deny a labor organization a place on the ballot by reason of an order with respect to such labor organization or its predecessor not issued in conformity with section 6 (c).

(3) No election shall be directed in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held. Employees on strike who are not entitled to reinstatement shall not be eligible to vote. In any election where none of the choices on the ballot receives a majority, a run-off shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election.

(4) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the Administrator.

(5) In determining whether a unit is appropriate for the purposes specified in subsection (b) the extent to which the employees have organized shall not be controlling.

(d) Whenever an order of the Administrator made pursuant to section 6 (c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 6 (e) or 6 (f), and thereupon the decree enforcing, modifying, or setting aside in whole or in part the order of the Administrator shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript.

(e) (1) Upon the filing with the Administrator by a labor organization which is the representative of employees as provided in section 5 (a), of a petition alleging that 30 per centum or more of the employees within a unit claimed to be appropriate for such purposes desire to authorize such labor organization to make an agreement with the employer of such employees requiring membership in such labor organization as a condition of employment in such unit, upon an appropriate showing thereof the Administrator shall, if no question of representation exists, take a secret ballot of such employees, and shall certify the results thereof to such labor organization and to the employer.

(2) Upon the filing with the Administrator, by 30 per centum or more of the employees in a bargaining unit covered by an agreement between their employer and a labor organization made pursuant to section 4 (a) (3) (ii), of a petition alleging they desire that such authority be rescinded, the Administrator shall take a secret ballot of the employees in such unit, and shall certify the results thereof to such labor organization and to the employer.

(3) No election shall be conducted pursuant to this subsection in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held.

(f) No investigation shall be made by the Administrator of any question concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 5 (e) (1) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 6, unless such labor organization and any national or international organization of which such labor organization is an affiliate or constituent unit (A) shall have prior thereto filed with the Administrator copies of its constitution and bylaws and a report, in such form as the Administrator may prescribe, showing—

(1) the name of such labor organization and the address of its principal place of business;

(2) the names, titles, and compensation and allowances of its three principal officers and of any of its other officers or agents whose aggregate compensation and allowances for the preceding year exceeded \$5,000, and the amount of the compensation and allowances paid to each such officer or agent during such year;

(3) the manner in which the officers and agents referred to in clause (2) were elected, appointed, or otherwise selected;

(4) the initiation fee or fees which new members are required to pay on becoming members of such labor organization;

(5) the regular dues or fees which members are required to pay in order to remain members in good standing of such labor organization;

(6) a detailed statement of, or reference to provisions of its constitution and by-laws showing the procedure followed with respect to, (a) qualification for or restrictions on membership, (b) election of officers and stewards, (c) calling of regular and special meetings, (d) levying of assessments, (e) imposition of fines, (f) authorization for bargaining demands, (g) ratification of contract terms, (h) authorization for strikes, (i) authorization for disbursement of union funds, (j) audit of union financial transactions, (k) participation in insurance or other benefit plans, and (l) expulsion of members and the grounds therefor; and (B) can show that prior thereto it has—

(1) filed with the Administrator, in such form as he may prescribe, a report showing all of (a) its receipts of any kind and the sources of such receipts, (b) its total assets and liabilities as of the end of its last fiscal year, (c) the disbursements made by it during such fiscal year, including the purposes for which made; and

(2) furnished to all of the members of such labor organization copies of the financial report required by paragraph (1) hereof to be filed with the Administrator.

(g) It shall be the obligation of all labor organizations to file annually with the Administrator, in such form as he may prescribe, reports bringing up to date the information required to be supplied in the initial filing by subsection (f) (A) of this section, and to file with the Administrator and furnish to its members annually financial reports in the form and manner prescribed in subsection (f) (B). No labor organization shall be eligible for certification under this section as the representative of any employees, no petition under section 5 (e) (1) shall be entertained, and

no complaint shall issue under section 6 with respect to a charge filed by a labor organization unless it can show that it and any national or international labor organization of which it is an affiliate or constituent unit has complied with its obligation under this subsection.

(h) No investigation shall be made by the Administrator of any question concerning the representation of employees, raised by a labor organization under subsection (c) of this section, no petition under section 5 (e) (1) shall be entertained, and no complaint shall be issued pursuant to a charge made by a labor organization under subsection (b) of section 6, unless there is on file with the Administrator an affidavit executed contemporaneously or within the preceding twelve-month period by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit that he is not a member of the Communist Party or affiliated with such party, and that he does not believe in, and is not a member of or supports any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

Section 6. Prevention of Unfair Labor Practices. (a) The Administrator is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 4). This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise: Provided, That the Administrator is empowered by agreement with any agency of the State of Alabama to cede to such agency jurisdiction over any cases in any industry, unless the rulings applicable to the determination of such cases by such agency are inconsistent with the corresponding provision of this Act or have received a construction inconsistent therewith.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Administrator shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Administrator, at a place therein fixed, not less than five days after the serving of said complaint: Provided, That no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Administrator and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the six-month period shall be computed from the day of his discharge. Any such complaint may be amended by the Administrator in his discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the Administrator any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the circuit courts of the State of Alabama.

(c) The testimony taken by the Administrator shall be reduced to writing and filed in the Administrator's office. Thereafter, in his discretion, the Administrator upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the Administrator shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Administrator shall state his findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this Act: Provided, That

where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him: And provided further, That in determining whether a complaint shall issue alleging a violation of section 4 (a) (1) or section 4 (a) (2), and in deciding such cases, the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon the preponderance of the testimony taken the Administrator shall not be of the opinion that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Administrator shall state his findings of fact and shall issue an order dismissing the said complaint. No order of The Administrator shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause.

(d) Until a transcript of the record in a case shall have been filed in the circuit court of Wilcox County, as hereinafter provided, the Administrator may at any time, upon reasonable notice and in such manner as he shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by him.

(e) The Administrator shall have power to petition the circuit court of Wilcox County for the enforcement of such order and for appropriate temporary relief or restraining order and shall certify and file in said court a transcript of the entire record in the proceedings, including the pleadings and testimony upon which such order was entered and the findings and order of the Administrator. Upon such filing, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Administrator. No objection that has not been urged before the Administrator shall be considered by the court unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Administrator with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Administrator; the court may order such additional evidence to be taken before the Administrator and to be made a part of the transcript. The Administrator may modify his findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and he shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file his recommendations, if any, for the modification or setting aside of his original order. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final.

(f) Any person aggrieved by a final order of the Administrator granting or denying in whole or in part the relief sought may obtain a review of such order in the Circuit Court of Wilcox County by filing in such court a written petition praying that the order of the Administrator be modified or set aside. A copy of such petition shall be forthwith served upon the Administrator, and thereupon the aggrieved party shall file in the court a transcript of the entire record in the proceeding, cer-

tified by the Administrator, including the pleading and testimony upon which the order complained of was entered, and the findings, and order of the Administrator. Upon such filing, the court shall proceed in the same manner as in the case of an application by the Administrator under subsection (e), and shall have the same exclusive jurisdiction to grant to the Administrator such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Administrator; the findings of the Administrator with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Administrator's order.

(h) Petitions filed under this Act shall be heard expeditiously, and if possible within ten days after they have been docketed.

(i) The Administrator shall have power, upon issuance of a complaint as provided in subsection (b) charging that any person has engaged in or is engaging in an unfair labor practice, to petition the Circuit Court of Wilcox County for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant to the Administrator such temporary relief or restraining order as it deems just and proper. Provided, That no temporary restraining order shall be issued without notice unless a petition alleges that substantial and irreparable injury to the charging party will be unavoidable and such temporary restraining order shall be effective for no longer than five days and will become void at the expiration of such period. Upon filing of any such petition the court shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony. Provided further, That the service of legal process upon an officer or agent shall constitute service upon the labor organization and make such organization a party to the suit. In situations where such relief is appropriate the procedure specified herein shall apply to charges with respect to section 4 (b) (4) (D).

(j) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph (4) (D) of section 4 (b), the Administrator is empowered and directed to hear and determine the dispute out of which such unfair labor practice shall have arisen, unless, within ten days after notice that such charge has been filed, the parties to such dispute submit to the Administrator satisfactory evidence that they have adjusted, or agreed upon methods for the voluntary adjustment of, the dispute. Upon compliance by the parties to the dispute with the decision of the Administrator, or upon such voluntary adjustment of the dispute, such charge shall be dismissed.

Section 7. Investigatory Powers. For the purpose of all hearings and investigations, which in the opinion of the Administrator are necessary and proper for the exercise of the powers vested in him by section 5 and section 6—

(1) The Administrator shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Administrator shall, upon application of any party to such proceedings, forthwith issue to such party subpoenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpoena on any person requiring the production of any evidence in

his possession or under his control, such person may petition the Administrator to revoke, and the Administrator shall revoke such subpoena if in his opinion the evidence whose production is required does not relate to any matter under investigation, or any matter in question in such proceedings, or if in his opinion such subpoena does not describe with sufficient particularity the evidence whose production is required. Such attendance of witnesses and the production of such evidence may be required from any place in the State of Alabama.

(2) In case of contumacy or refusal to obey a subpoena issued to any person, the circuit court of Wilcox County, upon application by the Administrator, shall have jurisdiction to issue to such person an order requiring such person to appear before the Administrator, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpoena of the Administrator, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Administrator must be served personally upon the person or business required to be served. The verified return by the individual serving the complaint, order, or other process shall be proof of the same. Witnesses summoned before the Administrator shall be paid the same fees and mileage that are paid witnesses in circuit courts in civil cases, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the circuit courts of Alabama.

(5) The several departments and agencies of Wilcox County, when directed by the governing body of the county, shall furnish the Administrator, upon his request, all records, papers, and information in their possession relating to any matter before him.

Section 8. Penalties. Any person who shall willfully resist, prevent, impede, or interfere with the Administrator in the performance of his duties pursuant to this Act shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than one year, or both.

Section 9. Limitations. Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike or to affect the limitations or qualifications on that right.

Section 10. Rights of Supervisors. Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this Act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law relating to collective bargaining.

Section 11. Saving. This Act shall apply in, and only in, Wilcox County, Alabama. And this Act shall not apply to acts or transactions in interstate commerce; nor shall any provision hereof apply to any business conducted by or for the United States or any other government.

Section 12. Severability. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to

persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Section 13. Repealer. All laws or parts of laws which conflict with this Act are repealed. Act No. 241, S. 388 by Mr. Henderson, Acts of Alabama, Regular Session, 1949, pp. 347-361, entitled "An Act Relating to Wilcox County; Providing facilities for the mediation of labor disputes, equalizing the legal responsibilities of labor organizations and employers, prescribing penalties for violations of this Act, and conditioning the operation of the Act upon a favorable vote of the electorate of Wilcox County at a referendum," is expressly repealed.

Section 14. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

RECESS

At 12:50 P. M., on motion of Mr. Patterson, the Senate took a recess until two o'clock this afternoon.

AFTERNOON SESSION FIRST LEGISLATIVE DAY MONDAY, JULY 31, 1950

The Senate re-assembled at two o'clock P. M., Lieutenant-Governor Inzer presiding.

ROLL CALL

Present:

Messrs.:	Coleman	Harvey	Lamberth
Allen	Cooper	Henderson	Lowe
Barrett	Fite	Hooton	Patterson
Boutwell	Gaither	Howle	Patton
Bridges	Glover	Hughes	Quarles
Cater	Golson	Kendall	Russell
Clayton	Gulledge	Kimbrell	Summerlin

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INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Gulledge:

S. B. 17. To amend Section 1 of Title 52, Code of Alabama (1940), which relates to the qualification and selection of school trustees.
Committee on Education.

By Mr. Gulledge:

S. B. 18. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

Committee on Privileges and Elections.

By Mr. Gulledge:

S. B. 19. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.
Committee on Forestry and Conservation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Messrs. Wallace, Thomas and Merrill:

H. J. R. 5. Whereas, the "Regional Vocational and Trade Schools Act" of 1947 calls for the location, construction and operation of several regional trade schools in the state during the fiscal years 1947-48 through 1950-51, and

Whereas, a great number of the students desiring to attend such schools are veterans entitled to assistance under the provisions of the GI Bill of Rights, and

Whereas, veterans cannot begin training under the GI Bill of Rights later than July, 1951, and

Whereas, unless the vocational and trade schools are able to accept students by that date, a great many veterans desiring such training will not be able to receive it under the GI Bill of Rights, and

Whereas, the 1950 state convention of the American Legion urged the expeditious completion of the schools, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, THE SENATE CONCURRING:

1. The Governor and the State Board of Education are hereby requested and urged by the Legislature to expedite the location, construction and operation of the schools authorized by the "Regional Vocational and Trade Schools Act" of 1947 so that they may all be prepared to accept students within a reasonable time prior to July, 1951.

2. The Clerk of the House of Representatives is directed to transmit a copy of this resolution to the Governor and each member of the State Board of Education.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 5, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Henderson, Vice-Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 1. Resolved by the Senate, the House concurring, that the Legislature do adjourn sine die.

The vote on adoption of said Resolution resulted in a tie vote.

Yeas 13; Nays 13.

Yeas:

Messrs.:	Clayton	Henderson	Patton	
Allen	Coleman	Hughes	Quarles	
Boutwell	Glover	Lowe	Russell	
Cater	Golson			—13

Nays:

Messrs.:	Fite	Howle	Lamberth	
Barrett	Gulledge	Kendall	Patterson	
Bridges	Harvey	Kimbrell	Summerlin	
Cooper	Hooton			—13

PAIR ANNOUNCED

Mr. Gaither announced that he was paired with Mr. Swift on this vote; that Mr. Swift, if present, would vote "aye"; and he, Mr. Gaither, would vote "Nay."

The President and Presiding Officer voted "aye," therefore said Resolution, S. J. R. 1, was adopted by the Senate.

RECESS

At 2:25 P. M., on motion of Mr. Clayton, the Senate took a recess until 3:30 o'clock this afternoon.

Yeas 16; Nays 9.

Yeas:

Messrs.:	Cater	Golson	Lowe	
Allen	Clayton	Henderson	Patton	
Barrett	Coleman	Hughes	Quarles	
Boutwell	Glover	Kendall	Russell	
Bridges				—16

Nays:

Messrs.:	Gulledge	Howle	Lamberth	
Cooper	Harvey	Kimbrell	Patterson	
Fite	Hooton			—9

The Recess period having expired, the Senate was called to order by Lieutenant-Governor Inzer.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Merrill:

H. J. R. 10. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Journals of this Session of the Legislature, together with the Journals, Acts, etc., of the past three Special Sessions be bound respectively with the Journals, Acts, etc., of the next session of the Legislature.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Fite, the Rules were suspended, and the Resolution, H. J. R. 10, set out in the foregoing Message from the House was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint Resolutions:

By Mr. Meeks:

H. J. R. 11. Whereas, the Birmingham Housewives Patriotic League, an organization devoted to the fight against hoarding, now requires its members to take a pledge not to engage in the hoarding of foods, clothing, domestic necessities and tires; and

Whereas, in so doing the League is pointing the way which all housewives and other consumers in Alabama and in the other States should follow in order to restrain the present tendency towards higher prices; and

Whereas, the members of the Legislature wish to express their sincere appreciation of the efforts being made by the Birmingham House-

wives Patriotic League to curb this unnecessary and disastrous stock-piling of commodities; now therefore

Be It Resolved by the House of Representatives, the Senate concurring that the genuine gratitude and most appreciative thanks of the Legislature of Alabama are hereby extended to the Birmingham Housewives Patriotic League for its service to the citizens of Birmingham and the State of Alabama.

Be It Further Resolved that this Resolution be spread upon the Journal of the House and the Journal of the Senate and that a copy be sent to Mrs. Mabel Jones West of 1400 Fulton Avenue, W. E., Birmingham, Alabama, Chairman of the Birmingham Housewives Patriotic League.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Boutwell, the Rules were suspended, and the Resolution, H. J. R. 11, set out in the foregoing Message from the House, was adopted by the Senate.

At 3:35 P. M., Mr. Fite moved that the Senate adjourn until Thursday, August 3rd, 1950 at twelve o'clock Noon, which motion was lost.

Yeas 12; Nays 13.

Yeas:

Messrs.:	Golson	Howle	Lamberth	
Barrett	Harvey	Kendall	Patterson	
Cooper	Hooton	Kimbrell	Summerlin	
Fite				—12

Nays:

Messrs.:	Clayton	Fenderson	Patton	
Allen	Coleman	Hughes	Quarles	
Boutwell	Glover	Lowe	Russell	
Cater	Gulledge			—13

PAIR ANNOUNCED

Mr. Gaither announced that he was paired with Mr. Swift on this vote; that Mr. Swift, if present, would vote "Nay," and he, Mr. Gaither would vote "Aye."

ADJOURNMENT

At 3:40 P. M., on motion of Mr. Clayton, the Senate adjourned until Tuesday, August 1st, 1950, at 4 o'clock P. M.

SECOND LEGISLATIVE DAY

TUESDAY, AUGUST 1, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The Session was opened with prayer by Rev. T. A. Russell, Pastor, Cloverdale Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Lamberth
Allen	Fite	Hooton	Lowe
Barrett	Gaither	Howle	Mize
Boutwell	Glover	Hughes	Patterson
Bridges	Gulledge	Kendall	Quarles
Cater	Hardwick	Kimbrell	Russell
Coleman	Harvey		

—25

JOURNAL

On motion of Mr. Russell, the reading at length of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Boutwell, leave of absence was granted Mr. Swift for today.

On motion of Mr. Henderson, leaves of absence were granted Messrs. Summerlin, Golson and Patton for today.

On motion of Mr. Gaither, leave of absence was granted Mr. Burnside for today.

On motion of Mr. Hooton, leave of absence was granted Mr. Clayton for today, and on motion of Mr. Hooton, leave of absence was granted any Senator absent today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kimbrell:

S. B. 20. To propose an amendment to the Constitution of Alabama providing for the representation in the Senate and the House of Representatives; ordering an election upon the proposed amendment; and providing for the payment of the expenses of holding the election.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gulledge:

S. B. 21. To regulate trafficking in poles, posts, logs, or parts thereof, whether growing or dead, standing or cut down: requiring vendors of poles, posts, logs, or parts thereof taken or severed from the lands of another to be licensed by the Department of Conservation; invalidating sales of such poles, posts, logs, or parts thereof, unless bills of sale are executed; imposing upon buyers the rule of caveat emptor as to such sales; defining violations of the Act and prescribing penalties therefor.

Committee on Forestry and Conservation.

By Mr. Gulledge:

S. B. 22. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gulledge:

S. B. 23. To make it a misdemeanor for any state official or employee to use or permit any other person to use a state-owned automo-

bile or other motor vehicle for any purpose other than official state business.

Committee on Judiciary.

By Mr. Gulledge:

S. B. 24. To amend Section 73 of Title 29 of the Code of Alabama (1940) which relates to unlawful sites for liquor stores.

Committee on Temperance.

By Mr. Gulledge:

S. B. 25. To make it unlawful to sell any spirituous, vinous, or other alcoholic beverage, except malt or brewed beverages, in any place except stores operated by the Alabama Alcoholic Beverage Control Board; provide for the purchase by the Alabama Alcoholic Beverage Control Board of any stock in the hands of dealers when this Act becomes effective.

Committee on Temperance.

By Mr. Howle:

S. B. 26. To propose an amendment to the Constitution of Alabama.
Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Henderson:

S. B. 27. To provide further regulations governing the administration of pardons and paroles and the remission of fines and forfeitures; providing for the employment of a Parole Clerk and making an appropriation for the payment of his salary.

Committee on Finance and Taxation.

By Mr. Patterson:

S. B. 28. To propose amendments to the Constitution of Alabama relating to the Legislature and the members thereof.

Committee on Constitution and Constitutional Revision
and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Cater (by request):

S. B. 29. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Kimbrell:

S. 11. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Fayette County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Fayette County and the location of new industries or businesses therein, to become a stockholder in any corporation, association or company, to lend its credit

or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

The above bill was read a second time at length as required by the Constitution.

By Mr. Patton:

S. 2. Proposing an amendment to the Constitution of Alabama relating to Limestone County and the municipality of Athens, and ordering an election thereon.

The above bill was read a second time at length as required by the Constitution.

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 8. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

By Messrs. Quarles and Henderson:

S. 15. To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

By Mr. Allen:

S. 5. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

By Mr. Allen:

S. 6. To provide legal counsel for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

Mr. Patterson, Chairman of the Standing Committee on Education reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 17. To amend Section 1 of Title 52, Code of Alabama (1940), which relates to the qualification and selection of school trustees.

Mr. Kendall, Chairman of the Standing Committee on Municipalities and Municipal Organizations reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kendall:

S. 9. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Mr. Bridges, Chairman of the Standing Committee on Forestry and Conservation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 19. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.

RESOLUTION

Mr. Russell offered the following Senate Resolution, to-wit:

S. R. 5. BE IT RESOLVED BY THE SENATE OF ALABAMA, that the Justices of the Supreme Court be asked to advise the Senate on the following Constitutional questions:

Section 58 of the Constitution of Alabama 1901 reads as follows:

"Sec. 58. Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting except as otherwise provided in this Constitution."

(1) Does the above Constitutional section apply to adjournment sine die?

(2) May the Senate of Alabama adjourn sine die without the consent of the House of Representatives, thereby terminating a session of the Legislature?

It is further requested that should the present extraordinary session of the Legislature adjourn sine die before the Justices have responded to this inquiry, the opinion, when prepared, be filed with the Secretary of the Senate.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 4:15 P. M., on motion of Mr. Russell, the Senate took a recess for five minutes.

The recess period having expired, the Senate was called to order by Lieutenant-Governor Inzer.

REPORT FROM RULES COMMITTEE

Mr. Henderson, Vice-Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 5. Relative to requesting Supreme Court Opinion on Section 58 of the Constitution, as to whether the Senate may adjourn sine die without the House.

At 4:50 P. M., Mr. Kimbrell moved that the Senate adjourn until tomorrow, Wednesday, August 2, 1950 at four o'clock P. M., which motion was lost.

Yeas 8; Nays 13.

Yeas:

Messrs.:	Cooper	Howle	Lamberth
Barrett	Gaither	Kimbrell	Patterson
Bridges			

—8

Nays:

Messrs.:	Coleman	Henderson	Mize
Allen	Glover	Hughes	Quarles
Boutwell	Gulledge	Kendall	Russell
Cater	Hardwick		

—13

PAIRS ANNOUNCED

Mr. Fite announced that he was paired with Mr. Patton on this vote; that Mr. Patton, if present, would vote "Nay"; and he, Mr. Fite, would vote "Yea."

Mr. Hooton announced that he was paired with Mr. Clayton on this vote; that Mr. Clayton, if present, would vote "Nay"; and he, Mr. Hooton, would vote "Yea."

Mr. Russell then moved that the Resolution, S. R. 5, be adopted by the Senate, and said Resolution was adopted.

Yeas 14; Nays 8.

Yeas:

Messrs.:	Coleman	Henderson	Patterson	
Allen	Glover	Hughes	Quarles	
Boutwell	Gulledge	Kendall	Russell	
Cater	Hardwick	Mize		—14

Nays:

Messrs.:	Cooper	Harvey	Kimbrell	
Barrett	Gaither	Howle	Lamberth	
Bridges				—8

PAIRS ANNOUNCED

Mr. Fite announced that he was paired with Mr. Patton on this vote; that Mr. Patton, if present, would vote "Yea"; and he, Mr. Fite, would vote "Nay."

Mr. Hooton announced that he was paired with Mr. Clayton on this vote; that Mr. Clayton, if present, would vote "Yea"; and he, Mr. Hooton, would vote "Nay."

REPORT FROM RULES COMMITTEE

Mr. Henderson, Vice-Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 4. Relative to requesting Supreme Court Opinion relative to S. 388, 1949 Regular Session (Acts of Alabama, 1949, pp. 347-361) relating to Wilcox County.

And said Resolution was adopted by the Senate.

Yeas 14; Nays 8.

Yeas:

Messrs.:	Gaither	Howle	Lowe	
Bridges	Glover	Hughes	Mize	
Cater	Gulledge	Kendall	Quarles	
Coleman	Henderson	Lamberth		—14

Nays:

Messrs.:	Boutwell	Hardwick	Patterson	
Allen	Cooper	Harvey	Russell	
Barrett				—8

PAIRS ANNOUNCED

Mr. Fite announced that he was paired with Mr. Patton on this vote; that Mr. Patton, if present, would vote "Nay," and he, Mr. Fite, would vote "Yea."

Mr. Hooton announced that he was paired with Mr. Clayton on this vote; that Mr. Clayton, if present, would vote "Nay"; and he, Mr. Hooton, would vote "Yea."

RESOLUTION

Mr. Henderson offered the following Senate Resolution, to-wit:

S. R. 6. BE IT RESOLVED by the Senate of Alabama, That the Justices of the Supreme Court, or a majority of them, are hereby respectfully requested to give this body their written opinion concerning the following important constitutional questions:

1. Are proposed amendments 1 and 2 as set forth in the attached proposed bill, which is incorporated herein and made a part hereof, within the power of the Legislature to initiate under the provisions of Section 284 of the Constitution, as amended?

2. Do said proposed amendments infringe the constitutional restriction placed on the Legislature in Section 284 of the Constitution, as amended?

Be it resolved further, That the Justices are requested to return their opinions to the Secretary of the Senate, whether this body be in session or not, and the Secretary shall cause the same to be incorporated in the Journal.

Which was read and referred to the Standing Committee on Rules.

A BILL TO BE ENTITLED AN ACT

To propose amendments to the Constitution of Alabama relating to the Legislature and the members thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendments to the Constitution of Alabama are proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

Amendments

"1. The House of Representatives of Alabama shall be composed of one representative from each county.

"2. The Senate of Alabama shall be composed of three senators from each congressional district of the State, to be elected at large by the qualified electors of the counties composing the district, except in the case of one county constituting a separate congressional district, which shall elect two senators; in the event more than one candidate for senator offers from the same county only the candidate from that county receiving the highest number of votes shall be eligible to nomination or election to the Senate, except in the case of one county constituting a separate district as aforesaid.

"3. The Legislature shall convene in regular sessions on the first Tuesday in May of 1955 and each second year thereafter. The Legislature shall not remain in session longer than one hundred consecutive calendar days, including Sundays, and shall not meet for less than three legislative days each week. Special sessions of the Legislature may be convened in the manner provided by this Constitution only for an emergency arising since the preceding adjournment, and shall not continue for longer than one hundred consecutive calendar days, including Sundays. The Legislature shall not meet for less than three legislative days each week during a special session.

"4. Members of the Legislature shall receive an annual salary, to be fixed by the Legislature at a sum not to exceed three thousand dollars per annum, which shall be in lieu of all other compensation, per diem,

mileage, or other allowances, and shall be paid in equal monthly installments.

"5. The senators and representatives provided for herein shall be elected by the qualified electors at the general election of 1954 and every fourth year thereafter. The other provisions hereof shall become effective at the beginning of the term of the members of the Legislature elected at the general election of 1954.

"6. No member of the Legislature shall, during his continuance in office, hold any other office, position, employment, or place under this State or any political subdivision or agency thereof, except as a member of the National Guard or as a member of a board, commission, committee, council, or similar body, the membership of which is elected in whole or in part by the Legislature or either house thereof; and no member of the Legislature shall, after his election or during his continuance in office, receive, directly or indirectly, any consideration, compensation, or profit for any contract with, or for any services rendered to, the State or any political subdivision or agency thereof. Any member of the Legislature who enters upon the duties of another office, position, employment, or place, or receives, directly or indirectly, any consideration, compensation, or profit for any contract or services contrary to the provisions hereof ipso facto vacates his office as a member of the Legislature, and the presiding officer of the house of which he was a member shall declare his seat vacant, and the secretary or clerk, as the case may be, shall strike his name from the roll.

"7. Any provisions of this Constitution which conflict with the provisions hereof are superseded and repealed. All other provisions of the Constitution relating to the Legislature shall remain in force and effect."

Section 2. An election upon the proposed amendments is ordered to be held at the general election next succeeding this session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Alabama Code of 1940.

Section 3. Notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in every county of the State in which a newspaper is published, and in every county in which no newspaper is published a copy of such notice shall be posted at the courthouse for four successive weeks next preceding the day appointed for the election.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day approved by the Senate.

ADJOURNMENT

At 5:15 P. M. Mr. Patterson moved that the Senate adjourn until tomorrow, Wednesday, August 2, 1950 at 3 o'clock P. M.

Mr. Hooton moved as a substitute motion that the Senate adjourn until tomorrow at 5 o'clock P. M., which motion was lost.

The question then recurred on the motion of Mr. Patterson, which motion was adopted, and at 5:20 P. M., the Senate did adjourn until tomorrow, Wednesday, August 2, 1950, at 3 o'clock P. M.

THIRD LEGISLATIVE DAY

WEDNESDAY, AUGUST 2, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The Session was opened with prayer by Rev. Joseph T. Schieffelin, Retired Episcopal Minister.

ROLL CALL

Present:

Messrs.:	Coleman	Henderson	Mize
Allen	Cooper	Hooton	Patterson
Barrett	Gaither	Howle	Patton
Boutwell	Golson	Kendall	Quarles
Bridges	Gulledge	Kimbrell	Russell
Cater	Hardwick	Lamberth	Summerlin
Clayton	Harvey	Lowe	

—26

JOURNAL

On motion of Mr. Cater, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Gulledge, leave of absence was granted Mr. Glover for today.

On motion of Mr. Boutwell, leave of absence was granted Mr. Swift for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 11. Relative to commending the Birmingham Housewives Patriotic League, in their efforts to curb unnecessary and disastrous stockpiling of commodities.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had

been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Kimbrell:

S. B. 30. To amend Section 90, Title 5, Code of Alabama 1940.
Committee on Banking.

By Mr. Kimbrell:

S. B. 31. To amend Section 94, Title 5, Code of 1940.
Committee on Banking.

REPORTS OF COMMITTEES

Mr. Bridges, Chairman of the Standing Committee on Forestry and Conservation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 21. To regulate trafficking in poles, posts, logs, or parts thereof, whether growing or dead, standing or cut down: requiring vendors of poles, posts, logs, or parts thereof taken or severed from the lands of another to be licensed by the Department of Conservation; invalidating sales of such poles, posts, logs, or parts thereof, unless bills of sale are executed; imposing upon buyers the rule of caveat emptor as to such sales; defining violations of the Act and prescribing penalties therefor.

Mr. Cooper, Chairman of the Standing Committee on Temperance reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 24. To amend Section 73 of Title 29 of the Code of Alabama (1940) which relates to unlawful sites for liquor stores.

Mr. Hooton, Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Patton:

S. 1. To prohibit members of the Legislature from receiving or agreeing to receive, any consideration for procuring any contract, appointive office or place from the State of Alabama or any agent or agency thereof, or for giving any such contract, appointive office or place; prohibiting them from giving, or agreeing to give, any consideration for the procuring of any such contract, appointive office or place; making any such agreements null and void; prohibiting members of the Legislature, with certain exceptions, from accepting any employment, position, or office of profit under the State of Alabama or any agency thereof, or from receiving any consideration, compensation, or profit for any services rendered to the State of Alabama or any agency thereof; and fixing penalties for the violation of the provisions of the Act.

By Messrs. Coleman, Lowe, Hughes and Hooton:

S. 16. To amend Section 86 of Title 8, Code of Alabama (1940), which relates to hunting at nighttime.

Mr. Howle, Vice-Chairman of the Standing Committee on Public Health reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Patton:

S. 3. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. McDonald:

H. 1. To prescribe the time and manner of the nomination and election of members of the commissioners court of Coosa County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL

Notice is given of the intention to introduce for passage by the Legislature of Alabama at the present extra session thereof, the following local legislation relating to Coosa County, Alabama, the substance thereof being as follows, to-wit:

AN ACT

To prescribe the time and manner of the nomination and election of members of the Commissioners Court of Coosa County, Alabama.

Section 1. Be it enacted by the Legislature of Alabama that elections for members of the Commissioners Court for Coosa County shall be held at the general elections next proceeding the expiration of the present terms of office of the respective members of said court, and at said elections candidates seeking the office of Commissioner from a given Commissioner's district in said county shall be voted on only by those qualified voters residing and voting within that district.

Section 2. Be it further enacted that in primary elections candidates seeking the office of Commissioner from a given Commissioner's district in said county shall be voted on only by those qualified voters residing and voting within that district.

Section 3. Be it further enacted that all laws and parts of laws in conflict with this act are hereby repealed.

This June 19th, 1950.

GEO. B. McDONALD,

Member of Legislature for Coosa County, Alabama.

AFFIDAVIT OF PUBLICATION

I, J. C. Henderson, Publisher of The Enterprise-Chronicle published weekly at Goodwater, Ala. do solemnly swear that a copy of the notice, as per clipping attached, was published four times in the regular and entire issue of said newspaper and not in any supplement thereof, for

four consecutive weeks, commencing with the issue dated June 22, 1950, and ending with the issue dated July 13, 1950.

J. C. HENDERSON.

Subscribed and sworn before me this 13 day of July, 1950.

BILLY B. SELLERS,
Notary Public.

My commission expires February 26, 1951.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 1.—To the Committee on Local Legislation.

RESOLUTION

Messrs. Swift and Cater offered the following Senate Resolution, to-wit:

S. R. 7. Whereas, Sections 198, 199, and 200 of the Constitution require the Legislature to apportion the members of the House of Representatives and fix the number of senators and divide the State into as many senatorial districts as there are senators after each federal decennial census, "which apportionment, when made, shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken"; and

Whereas the Code of Alabama of 1940 sets out an apportionment of the members of the House of Representatives and fixes the number of senators and divides the State into as many senatorial districts as there are senators in Title 32, Sections 1 and 2, which sections meet the requirements of Sections 198, 199, and 200 of the Constitution and were enacted into a law which became effective May 31, 1941; and

Whereas, the decennial census of the United States taken in 1950, the first decennial census of the United States taken since Sections 1 and 2 of Title 32, Code of Alabama (1940), became effective, has not been officially published or the results thereof officially proclaimed; and

Whereas, the contention has been made that this Legislature, meeting now in special session, is prohibited by Section 198 of the Constitution from altering the apportionment of members of the House of Representatives made by Section 1 of Title 32, Code of Alabama (1940) "until the next session of the legislature after the next decennial census of the United States shall have been taken," and is prohibited by Section 200 of the Constitution from changing the senatorial districts as fixed by Section 2 of Title 32, Code of Alabama (1940), "until the next apportioning session of the legislature, after the next decennial census of the United States shall have been taken," at this session of the Legislature or any special session thereof subsequently convened; now therefore,

BE IT RESOLVED BY THE SENATE:

That the Justices of the Supreme Court, or a majority of them, are hereby respectfully requested to give this body their written opinion concerning the following important constitutional question:

1. Has this Legislature any power or authority to apportion representation in the House of Representatives as provided by Sections 198 and 199 of the Constitution or change the senatorial districts as provided in Section 200 of the Constitution at this special session or any session

subsequently convened until after the federal census of 1950 is completed and promulgated by the proper federal authority?

BE IT FURTHER RESOLVED:

That the Justices are requested to return their opinions to the Secretary of the Senate, whether this body be in session or not, and the Secretary shall cause the same to be incorporated in the Journal.

Which was read and referred to the Standing Committee on Rules.

August 2, 1950

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Re: Senate Resolution No. 4, by Mr. Henderson, dated August 2, 1950.

Gentlemen:

It is assumed that this resolution seeking an opinion regarding the constitutionality of Act No. 241, S. 388, Regular Session 1949 (Acts 1949, pp. 347-361), was adopted under the belief that the inquiry contained therein was appropriate under the provisions of Article 3, Title 13, §§ 34 et seq., Code 1940. But we do not so regard it.

Under the long prevailing view, the statute has been considered as privileging—but not requiring—the individual justices of the Supreme Court to give advisory opinions on request of the governor or either house of the legislature on important constitutional questions. These opinions, however, are matter of grace from the said justices and have in the past been given in deference to the executive and legislative departments of the state, in order to guide them in the proper dispatch of their duties or to protect the officers and departments of the state in the performance of their duties under enacted legislation or to stabilize proposed bond issues, etc. Such opinions are not opinions of the Supreme Court and bind neither the justices nor the department or officer requesting the opinion. They are merely advisory—consultative only.—In re Opinions of the Justices, 209 Ala. 593, 96 So. 487.

While the act did contemplate advisory opinions on specific inquiries, involving or concerning concrete, important constitutional questions upon matters or subjects of general public nature as distinguished from questions involved in the ascertainment or declaration of private right or interest (209 Ala., 594), yet it is to be observed from § 5 of the statute that one of its main functions was that the opinions of the justices should give protective force and effect to officers and departments of the state in acting under existing law.

The inquiry here propounded is clearly beyond the permissible scope of the statute and, however much would be our inclination or desire to defer to the wishes of the senate to give answer in the matter, for the individual justices to embark upon undertakings to give hypothetical opinions as regards the constitutionality of any and all laws extant on the statute books of Alabama would so enlarge their duties and encumber them with work as would seriously jeopardize the proper functioning of the court. You must know the vast volume of work under which the court is laboring from cases properly submitted to it for review from inferior tribunals, and we do not think we would be justified nor that the statute contemplated that these labors be distracted by the individual justices departing from the duties of their office to take the time necessary in studying the law to give answers to such hypothetical questions.

We think it appropriate at this time to invite attention to the fact that while as individual justices the members of the court, within per-

missible limits of the statute, are privileged to give their individual opinions on constitutional questions properly submitted to them, yet the court of which they are members is one of appellate review and the constitutionality of statutes should be tested by appropriate adversary proceedings when available or when at all possible. The end result of such proceedings would be of finding force, whereas the opinions promulgated under Title 13, *supra*, are not.

While the other justices all are not available for comment, we feel certain they are concordant with this view.

We, therefore, must respectfully decline to answer the several questions propounded.

Respectfully yours,

/s/Joel B. Brown
JOEL B. BROWN
Associate Justice
J. Ed Livingston
J. ED LIVINGSTON
Associate Justice
Thomas S. Lawson
THOMAS S. LAWSON
Associate Justice
Robert T. Simpson
ROBERT T. SIMPSON
Associate Justice

August 2, 1950

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

THE STATE OF ALABAMA
CITY AND COUNTY OF MONTGOMERY

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered from one to three, inclusive, contain a full, true and correct copy of the opinion of a majority of the Justices of the Supreme Court of Alabama rendered on August 2nd, 1950, by said Justices of the Supreme Court of Alabama in response and answer to request of the Senate of Alabama by Senate Resolution No. 4, as the same appears and remains on record on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, this the 2nd day of August, 1950.

J. RENDER THOMAS,
Clerk of the Supreme Court of Alabama.

OPINION RENDERED

The foregoing opinion from the Supreme Court, relative to Senate Resolution No. 4, was read and ordered spread upon the Journal.

REPORT FROM RULES COMMITTEE

Mr. Henderson, Vice-Chairman, of the Standing Committee on Rules, reported that said Committee in Session had acted on the following Senate Resolution, and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 6. Relative to requesting Supreme Court Opinion relative to proposed amendments to Constitution, whether same are within power of Legislature under Section 284 to amend.

And said Resolution was then adopted by the Senate.

Yeas 15; Nays 4.

Yeas:

Messrs.:	Bridges	Cooper	Kendall
Allen	Cater	Gaither	Lamberth
Barrett	Clayton	Gulledge	Mize
Boutwell	Coleman	Henderson	Quaries

—15

Nays:

Messrs.:	Howle	Patterson	Russell
Hardwick			

—4

PAIRS ANNOUNCED

Mr. Hooton announced that he was paired with Mr. Wright on this vote; that Mr. Wright, if present, would vote "Nay"; and he, Mr. Hooton, would vote "Yea."

Mr. Patton announced that he was paired with Mr. Fite on this vote; that Mr. Fite, if present, would vote "Yea"; and he, Mr. Patton, would vote "Nay."

BILLS ON THIRD READING

The Bill:

S. 11. To propose and provide for the submission of an amendment to the Constitution of Alabama, to empower and authorize each municipality in Fayette County to acquire and dispose of all kinds of property, to promote the development of the municipalities in Fayette County and the location of new industries or business therein, to become a stockholder in any corporation, association, or company, to lend its credit or grant public money and things of value in aid of individuals, firms, associations and corporations, to become indebted and issue and sell securities, to levy and collect a special ad valorem tax and to pledge to the payment of its securities the proceeds of such special tax and other incomes, to create a public corporation or authority and to delegate to such public corporation or authority all powers or authorities granted by such proposed amendment to such municipalities.

Was taken up.

Mr. Hardwick offered the following amendment to the bill, to-wit:

To amend the title and provisions of Senate Bill 11 as follows:

By adding after the words "Fayette County" wherever found in the title and provisions of said Bill, the words "and Houston, Blount and Crenshaw Counties."

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Clayton	Harvey	Lamberth
Allen	Coleman	Henderson	Mize
Barrett	Cooper	Hooton	Patterson
Boutwell	Gaither	Howle	Patton
Bridges	Gulledge	Kendall	Quaries
Cater	Hardwick	Kimbrell	Russell

—23

Nays:

—0

And said bill, as thus amended, was then read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Clayton	Harvey	Lamberth	
Allen	Coleman	Henderson	Mize	
Barrett	Cooper	Hooton	Patterson	
Boutwell	Gaither	Howle	Patton	
Bridges	Gulledge	Kendall	Russell	
Cater	Hardwick	Kimbrell	Summerlin	—23

Nays: —0

The Bill:

S. 2. Proposing an amendment to the Constitution of Alabama relating to Limestone County and the municipality of Athens, and ordering an election thereon.

Was read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Coleman	Henderson	Lowe	
Allen	Cooper	Hooton	Mize	
Barrett	Gaither	Howle	Patterson	
Boutwell	Golson	Kendall	Patton	
Bridges	Gulledge	Kimbrell	Quarles	
Cater	Hardwick	Lamberth	Russell	
Clayton	Harvey			—25

Nays: —0

The Bill:

S. 8. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nay 1.

Yeas:

Messrs.:	Clayton	Henderson	Mize	
Allen	Coleman	Hooton	Patterson	
Barrett	Cooper	Howle	Quarles	
Boutwell	Gaither	Kendall	Russell	
Bridges	Gulledge	Lamberth	Summerlin	
Cater	Hardwick			—21

Nay: Mr. Patton —1

The Bill:

S. 15. To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

Was read a third time at length and passed, and ordered sent forth with to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Coleman	Hooton	Mize	
Allen	Cooper	Howle	Patterson	
Barrett	Gaither	Kendall	Patton	
Boutwell	Golson	Kimbrell	Quarles	
Bridges	Gulledge	Lamberth	Russell	
Cater	Hardwick	Lowe	Summerlin	
Clayton	Hendersqn			—25

Nays:

—0

The Bill:

S. 5. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Was read a third time at length and passed, and ordered sent forth with to the House without engrossment.

Yeas 20; Nay 1.

Yeas:

Messrs.:	Clayton	Hardwick	Mize	
Allen	Coleman	Hooton	Patterson	
Barrett	Cooper	Howle	Patton	
Boutwell	Golson	Kendall	Quarles	
Bridges	Gulledge	Lowe	Russell	
Cater				—20

Nay: Mr. Kimbrell

—1

The Bill:

S. 6. To provide legal counsel for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

Was read a third time at length and passed, and ordered sent forth with to the House without engrossment.

Yeas 22; Nay 1.

Yeas:

Messrs.:	Clayton	Hardwick	Mize	
Allen	Coleman	Hooton	Patterson	
Barrett	Cooper	Howle	Patton	
Boutwell	Gaither	Kendall	Quarles	
Bridges	Golson	Lamberth	Summerlin	
Cater	Gulledge	Lowe		—22

Nay: Mr. Kimbrell

—1

The Bill:

S. 17. To amend Section 1 of Title 52, Code of Alabama (1940), which relates to the qualification and selection of school trustees.

Was taken up.

Mr. Gulledge offered the following amendment to the bill, to-wit:

Amend the Title of Senate Bill No. 17 by striking out the word and figure "Section 1" and inserting in lieu thereof the word and figures "Section 100."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Coleman	Henderson	Lowe	
Allen	Cooper	Hooton	Mize	
Barrett	Gaither	Howle	Patterson	
Boutwell	Golson	Kendall	Quarles	
Bridges	Gulledge	Kimbrell	Russell	
Cater	Hardwick	Lamberth	Summerlin	—24
Clayton				

Nays: —0

On motion of Mr. Kimbrell further consideration of the bill, as amended, was postponed until the next legislative day.

The Bill:

S. 9. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Clayton	Harvey	Kimbrell	
Allen	Coleman	Henderson	Lamberth	
Barrett	Golson	Hooton	Mize	
Boutwell	Gulledge	Howle	Patterson	
Bridges	Hardwick	Kendall	Quarles	—20
Cater				

Nays: —0

REPORT FROM RULES COMMITTEE

Mr. Henderson, Vice-Chairman, of the Standing Committee on Rules reported that said committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 7. Requesting Supreme Court Opinion relative to power of Legislature to apportion Representatives of the House, etc. under Secs. 198, 199 and 200 of the Constitution.

And said Resolution was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Garrett and White (Perry):

H. 16. To amend Section 11 of Act No. 329, H. 714, approved July 1, 1943, (General Acts of Alabama, 1943, p. 311), as amended, entitled the "Farm to Market Road Act of 1943."

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 16—To the Committee on Public Roads and Highways.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Beck and Martin:

H. 2. To amend sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the subordinate Lodges under its jurisdiction," as amended.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 2—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Shelton:

H. 18. To prohibit boards of registrars from registering persons as qualified electors within ten days prior to any primary, special or general election; and providing that meetings of the boards of registrars authorized to be held on days falling within such period may be held on another day not within such period.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 18—To the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Miller:

H. 5. To amend Section 9 of Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama, 1949, pp. 601-607), which relates to absentee voting in primary, general, special and municipal elections.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 5—To the Committee on Privileges and Elections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Garrett:

H. 15. Proposing an amendment to the Constitution of Alabama: To authorize the several school districts of Monroe County to levy and collect a special school tax of thirty cents on each one hundred dollars worth of taxable property; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature.

Also:

By Mr. Broadwater:

H. 13. Proposing an amendment to the Constitution of Alabama relating to Limestone County and the municipality of Athens, and ordering an election thereon.

Also:

By Mr. Morring:

H. 14. Relating to the compensation of the judge of the Inferior Court of any municipality in the State which has a population of not more than 15,000 and not less than 13,000 inhabitants.

Also:

By Mr. Buckner:

H. 25. Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CULLMAN

Notice is hereby given that at the next session of the Legislature of Alabama, a bill substantially as follows will be introduced and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Cullman County shall receive the following annual salaries and allowances, in lieu of all other compensations:

- (a) Probate Judge—salary \$7,500, clerk hire allowances, \$8,500.
- (b) Tax Assessor—salary \$4,200, clerk hire allowances, \$1,800.
- (c) Tax Collector—salary, \$4,000, clerk hire allowances, \$1,800.

Section 2. All fees, commission, allowances, percentages, charges and costs heretofore collected for the use of any of the officers enumerated in Section 1 of this Act shall be collected and paid into the general fund of the county. All such money collected during one calendar month shall be paid to said general fund on or before the tenth day of the following month.

Section 3. For failure to pay any money herein required to be paid to the county within the time herein fixed, the said officers shall be subject to a penalty of five per centum of the amount unlawfully withheld by him for each month the same is unlawfully withheld, said penalty to be recovered by Cullman County and converted into the general fund of the county.

Section 4. The compensation of the officers enumerated in Section 1 of this Act and of their clerks, deputies and assistants shall be paid in equal monthly installments as the salaries of their county employees are paid.

Section 5. Each of the officers enumerated in Section 1 of this Act shall select, discharge, and fix the salaries of his subordinates. But no officer shall use the allowance provided in Section 1 hereof for any purpose other than paying subordinates.

Section 6. The governing body of Cullman County is authorized to adopt rules and regulations for conducting and operating the county officers affected by this Act, if such are necessary as a result of changing the method and basis of compensation.

Section 7. The governing body of Cullman County shall provide the officers enumerated herein, with the necessary quarters, books stationery, office equipment, supplies, postage and other conveniences and equipment for the proper and efficient conduct of the affairs of their offices.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective as to the various officers affected by it, upon the expiration of the terms of office of the incumbents and upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing such an Act.

7-14-21-28 April c

THE STATE OF ALABAMA CULLMAN COUNTY

Before me, Paul R. Knight, a Notary Public in and for said County and State, personally appeared J. R. Rosson, publisher of The Cullman Democrat, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says, that the notice of which the attached is a true copy, was published in said newspaper, once a week, for four successive weeks and being in the issues of the said newspaper of the following dates, viz April 7, 14, 21 and 28th, 1949.

J. R. ROSSON,
Publisher.

Sworn to and subscribed before me this the 28 day of July, 1950.

PAUL R. KNIGHT,
Notary Public.

Also:

By Mr. Black:

H. 19. To provide for the City of Jasper a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, fire department, and city clerk's

office of the city; defining violations of the Act, and imposing penalties for violation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO APPLY FOR LOCAL LAW

Notice is hereby given that at the Extraordinary session of the Legislature of Alabama which convened on the 19th day of June, 1950, application will be made for a special or local law, which shall be in substance as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the City of Jasper a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, fire department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. APPLICATION. This act shall apply to and have application in the City of Jasper only and to the police department, the fire department, and City Clerk's office of such city.

Section 2. DEFINITIONS: As used in this act, unless the context plainly indicates a different meaning, the following words, terms and phrases shall have the meanings respectively ascribed to them: "city" means the City of Jasper; "employee" means any person (including the head of department) who is employed in the service of the city on a regular monthly salary in the city clerk's office, the fire department or the police department; "board" means the civil service board created by this act; "head of department" includes chief of the police department, chief of the fire department, and city clerk; "veteran" means any person who was honorably discharged after serving for six months or more in the armed services of the United States during World War I or World War II. Words used in the masculine gender include the feminine and neuter; the singular include the plural, and the plural the singular.

Section 3. CIVIL SERVICE SYSTEM. All employees of the city as herein defined shall be subject to the civil service rules and regulations prescribed in or promulgated pursuant to this act. Present employees and those who may hereafter be employed shall remain in their respective employments during good behavior, efficiency, and obedience to such rules and regulations as may, from time to time, be prescribed by the board and the board may by rule prescribe a retirement age for all employees; but nothing hereto shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and no present employee shall be subject to any examination in order to hold his present position.

Section 4. CIVIL SERVICE BOARD. There is created the Civil Service Board of Jasper, which shall be composed of three members designated respectively as Member No. 1, Member No. 2, and Member No. 3, each of who shall be over twenty five years of age of recognized character and ability, and an actual resident in and a qualified elector of the city. No person shall be eligible for membership on the board who holds any civil office of profit under the city, county, or state. Immediately after the passage of this act, Members No. 1, 2, and 3 shall be appointed by the city governing body. Member No. 1 shall be appointed to serve for a period of one year. Member No. 2 shall be appointed to serve for a period of two years, and Member No. 3 shall be appointed to serve for a period of three years. Each year thereafter the City governing body shall appoint one person as the successor to the

member of the civil service board whose term expires that year, to serve for a period of three years. Vacancies occurring from death or resignation shall be filled by the city governing body for the unexpired term. Any member of said board whose term shall expire shall be eligible for reappointment. The board shall meet at least once a month in City Hall building on a date and at an hour to be fixed by its rules and regulations, and as often as shall be necessary for the orderly dispatch of its business. Two members of said board shall constitute a quorum. All appointments to the board shall be by unanimous vote of the governing body of the city.

Any member of the board may be removed from office at any time by a unanimous vote of such governing body.

Section 5. **QUALIFICATION BY MEMBER.** Every person appointed a member of the civil service board shall within fifteen days after his appointment, qualify by making oath that he is eligible for said office and will faithfully perform the duties of the same. Such oath shall be administered by any person authorized to administer oath or by any member of the city governing body, and a copy thereof shall be filed with the city clerk.

Section 6. **COMPENSATION.** The compensation of each board member shall be one hundred dollars per annum, payable quarterly by the city, and the member chosen to serve as secretary of the board shall be paid an additional sum of fifty dollars per annum, payable quarterly, for his services as secretary.

Section 7. **RECORDS OF THE BOARD.** The board shall keep minutes of the meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy shall be open for inspection by any resident of the city at all reasonable times. The secretary shall act as the custodian of the records of the board. The police department shall furnish such clerical assistance as may be needed by the board.

Section 8. **POWERS AND DUTIES OF THE BOARD.** The board shall make rules and regulations to carry out the purposes of this act and to provide for examinations appointments and removals, and the board may, from time to time, make changes in its rules. The head of each department shall recommend for promotions persons to fill any vacancies that may occur in his department. All promotions shall be made by the board. The board may make rules and regulations relating to the eligibility for promotion. The board shall: (1) classify the different types of service to be performed in the departments of the city; (2) prescribe qualifications, including those of character, education, training and experience, for the appointees and incumbents of each class; (3) subject to approval of the city governing body, fix a maximum and minimum salary for each class; and (4) allocate each position in the service of the city to its proper class. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, vacations and leaves of absence, and such rules and regulations shall govern in such matter. Except in connection with a reduction in force, demotion, suspension, or general decrease in salary of all employees in any one department, no employee's regular salary or compensation may be reduced without the approval of the board. All employees shall be appointed upon a non-partisan merit basis. In the event a reduction in force becomes necessary in any department, the order of layoff shall be inverse to the order of the appointment.

Section 9. **APPOINTMENTS.** The board shall make and keep a register or list of all persons eligible and available for appointment to each class of position and all appointments shall be made from such eligible list. Persons laid off and who are eligible and available for re-employment shall be placed at the head of the proper eligible list in the inverse order of their layoffs. Employees who resign may be granted

re-employment status under such circumstances and in such manner as may be provided for in the board's rules and regulations. Persons desiring appointment may file application with the board, and the board shall, from time to time, conduct examinations to test the ability and qualifications of such applicants. Except as otherwise provided herein all applicants shall be examined and examinations shall be open to all citizens of the United States, public, competitive and subject to the limitations specified by the board as to age, residence, health height, weight, habits, moral character, and other factors pertinent to ability to fully determine the duties of the position sought. Examination shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible list which is more than two years old. All applicants shall be graded. A veteran and the widow of a veteran shall have five (5) points added to his or her grade. Any veteran who is drawing compensation from the United States because of a service-connected disability shall have ten (10) points added to his grade and his wife, if he be disqualified by reason of such disability, shall have ten (10) points added to her grade. The board shall not examine or appoint any person who is not a citizen of the United States or who has been convicted of a felony or an offense involving moral turpitude.

Section 10. APPLICATIONS FOR EMPLOYMENT. All applicants for employment shall file their applications in writing with the board, said applications to be on blank forms furnished by the board. The board shall conduct all examinations, and whenever an examination is to take place shall notify the applicants in writing. Each applicant for examination shall pay to the city clerk the sum of two dollars as an examination fee, and the receipt therefor shall be attached to his application. Said sum shall be placed in the general fund of the city.

Section 11. VACANCIES. The city governing body shall notify the board of any vacancy which occurs in the city clerk's office, the fire department or the police department, and the board shall furnish to it the names and addresses of the three applicants standing highest on the eligible list; and one of the said applicants shall be appointed by the governing body of the city to fill such vacancy. All appointments shall be on a trial basis for a period of six months from the date of appointment. Before the expiration of said period, the head of the department concerned may, by and with the consent of the board, discharge the appointee upon assigning in writing his reasons therefor to the board. The head of a department may be discharged before the expiration of said period by the city governing body with the approval of the board.

Section 12. DEMOTIONS OR SUSPENSIONS. A department head shall have authority in his department to demote any subordinate employee by and with the consent and approval of the board, provided, however, that upon written demand filed with the board within five days from the date of the order of demotion and the employee shall be given a public hearing by the board before any order of demotion shall be final. A department pending the hearing by the board. Any head of department may be similarly suspended or demoted by the city governing body and shall have the same right of hearing.

Section 13. REMOVAL AND DISCHARGES. No permanent employee shall be removed or discharged except for cause, upon charges filed with and decided by the board and after an opportunity has been given him to face his accusers, to be heard in his own defense, and to be represented by counsel. Written charges may be filed against any such employee by the governing body of the city or by any member thereof, or may be filed by any department head as to any subordinate employee in his department by filing a written statement of such charges with the board. Charges against any department head or any employee may be filed by any resident citizen of the city. All charges must be in writing,

must set forth succinctly the matters complained of, and must be sworn to before a member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board, but if the board is of the opinion that a trial should be held thereon, the board shall hold a public hearing on the charges and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public provided that when a written waiver of a public hearing signed by the complainant and the accused employee, is filed with the board, the public may, in the discretion of the board be excluded. All testimony given in all hearings before the board shall be taken down in short hand by a stenographer furnished by the police department. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof, or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by private citizens. In all proceedings before the board, the city attorney may appear and represent the interest of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it.

If any employee against whom charges are pending willfully fails to or refuses to attend the hearing of such charges before the board, the board may proceed with the hearing in his absence and take action on the charges the same as if he were present. The board, its specially authorized representatives, and each member of the board shall have the power to administer oaths, take deposition, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation or proceeding within the purview of the act. In case a person refuses to obey any subpoena the board or its representatives may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representatives and produce evidence and give testimony relating to the matter in issue. A person who fails to obey such subpoena may be punished by the court for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fees shall be paid from the city treasury.

Section 14. REVIEW OF DECISION AND APPEALS. Any party, including the city governing body, aggrieved by a final decision by the circuit court of Walker County, Alabama, by filing a petition to be accompanied by such security for the costs of the appeal may be approved by the clerk of the court. Upon the filing of any such petition and approval of such security, notice thereof shall be served upon the chairman of the board by the petitioner. Such petition shall be heard by the court at the earliest practicable date. Review by the court shall be without a jury and confined to the record, including a transcript of the evidence. The court may, upon such terms and conditions as it shall deem proper, at any time before the hearing of the petition permit the taking of additional evidence before the board and allow modification of the board's findings and final decision. The court, upon a hearing of the petition, shall have power to affirm or reverse and render the decision of the board or to remand the matter to the board for further proceedings consistent with the judgment of the court. The court shall affirm the decision of the board unless it finds that the substantial rights of the petitioner have been prejudiced because the final decision of board was: (1) unsupported by substantial evidence in the record submitted; (2)

in excess of the authority conferred by this act on the board; (3) violative of constitutional provisions; (4) arbitrary or capricious; (5) affected otherwise by substantial error or injustice. Within 30 days an appeal may be taken from any final judgment of such court to the Court of Appeals of Alabama or the Supreme Court of Alabama. The decision or order of the board shall not be superseded by any review or appeal and the city shall not be obligated to pay the salary of any employee who is not working during the pendency of any review or appeal.

Section 15. POLITICAL ACTIVITIES PROHIBITED. No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position. No member of the board shall directly or indirectly solicit any employee for a subscription or contribution for any political organization. No employee shall be a member of any national, state, or local committee of a political party, or an official of a partisan political club, or a candidate for nomination or election to any public office, nor shall he take any part in the management or affairs of any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote. Any employee who violates any of the foregoing provisions of this Section shall suffer such disciplinary punishment as the board may direct.

Section 16. PENALTIES. The violation by any employee of any provision in this act or of any of the rules or regulation issued by the board in pursuance thereof, shall constitute an offense for which charges may be preferred against such employee as hereinabove provided and if such charges are sustained by the board after a notice and hearing as hereinabove provided such employee may be discharged or lesser disciplinary action taken against him. The board may in its discretion also decline for a period of one year to reappoint an employee who has been discharged for such cause. The board may on its own motion institute charges against an employee for the violation of any of the provisions of this act or of any of the rules or regulations issued in pursuance hereof.

Section 17. SPECIAL POLICE OFFICERS AND TEMPORARY APPOINTMENTS. The city governing body may, in an emergency, or in cases where it deems proper, authorize the chief of police to appoint for temporary service such number of police officers as in the opinion of the city governing body the existing conditions demand. All officers so appointed shall be furnished with badges of different sizes and design from the regulation badges used by the regular members of the police force. The chief of police shall furnish the board with the names and addresses of all persons to whom he has issued special badges. From and after the effective date of this act, all outstanding commissions conferring police authority upon persons other than those who are regular members of the police department of such city shall be void. The city governing body may, in an emergency or in cases where it deems proper, authorize the head of any department named in this act, to appoint for temporary service such number of salaried employees (including part-time employees) as in the opinion of the board the existing conditions require. No such temporary appointment shall be made for a period of more than 30 days.

Section 18. CHAIRMAN OF THE BOARD. The board shall annually elect one of its members as chairman and one as secretary. All meetings of the board shall be held in the City Hall building unless otherwise provided by such board.

Section 19. PRINTING REGULA- after appointment and qualification of the members thereof, adopt and have printed such rules and regulations, in accordance with the provisions of this act, as it may deem proper. Said rules and regulations and all amendments thereafter

adopted shall be kept on file in the office of the city clerk and open for public inspection. No amendment thereto shall become effective until notice of its adoption has been given for 30 days by posting a copy of the same in the vestibule of the City Hall building.

Section 20. CONSTITUTIONALITY. Each section of this act and each part of each section are hereby declared to be independent sections and parts of sections, and if any section, sentence, clause or provision of this act shall be held or declared to be unconstitutional or void, it shall not affect or destroy the validity or constitutionality of any other section, sentence, clause or provision of this act which is not of itself void or unconstitutional.

Section 21. If this act or its enforcement by the board shall be called into question in any judicial proceedings, or if any person shall fail or refuse to comply with the lawful orders of said board, such board with the approval of the city governing body may employ counsel to represent it in sustaining this act of the enforcement thereof, and the compensation of such counsel shall be paid by the city.

Section 22. EFFECTIVE DATE. This act shall take effect immediately upon its approval by the Governor, or upon its otherwise becoming a law.

Section 23. INCONSISTENT LAWS REPEALED. All laws and parts of laws inconsistent herewith are hereby repealed.

A. J. McDANAL, JR.,
Representative Place No. 2 Walker County.

6-8-50-4tc

AFFIDAVIT

STATE OF ALABAMA COUNTY OF WALKER

Before me, the undersigned authority in and for said State and County, this day personally appeared W. I. Dove, Mgr. of The Union News, a newspaper published in Jasper, Walker County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class privileges for fifty-two consecutive weeks prior to the publication of the Notice of Intention to Apply for Local Law who, being duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Union News for 4 consecutive weeks, namely: June 8, June 15, June 22 and June 29, 1950.

W. I. DOVE,
Mgr.

Sworn and subscribed to before me, this 1 day of July, 1950.

MRS. ANNIE DAVIS,
Notary Public.

And ordered same sent forthwith to the Senate without engrossment

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 15 and 13—To the Committee on Constitution and Constitutional Revision and Amendments.

(The above bills were read at length as required by the Constitution)

H. B. 14—To the Committee on Judiciary.

H. B.'s 25 and 19—To the Committee on Local Legislation.

RESOLUTION

Mr. Hooton offered the following Senate Joint Resolution, to-wit:
 S. J. R. 8. Resolved that when the two Houses adjourn today, that they adjourn to Monday, August 7th, 1950 at 10 A. M. and that no per diem for members be allowed for said time intervening between August 2nd, 1950 and said August 7th, 1950.

Which was read and referred to the Standing Committee on Rules.

At 6:25 P. M., Mr. Lowe moved that the Senate take a recess until tonight at 8 o'clock P. M., which motion was lost.

Yeas 10; Nays 13.

Yeas:

Messrs.:	Cater	Golson	Lowe	
Allen	Clayton	Gulledge	Quarles	
Boutwell	Coleman	Henderson		—10

Nays:

Messrs.:	Hardwick	Kendall	Mize	
Barrett	Harvey	Kimbrell	Patterson	
Bridges	Hooton	Lamberth	Summerlin	
Gaither	Howle			—13

REPORT OF COMMITTEE
 ON
 REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
 Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day approved by the Senate.

ADJOURNMENT

At 6:30 P. M., on motion of Mr. Gaither, the Senate adjourned until tomorrow, August 3, 1950, at two o'clock P. M.

Yeas 12; Nays 11.

Yeas:

Messrs.:	Gaither	Hooton	Kimbrell	
Barrett	Hardwick	Howle	Lamberth	
Bridges	Harvey	Kendall	Patterson	
Cooper				—12

Nays:

Messrs.:	Cater	Golson	Lowe	
Allen	Clayton	Gulledge	Mize	
Boutwell	Coleman	Henderson	Quarles	
				—11

FOURTH LEGISLATIVE DAY

THURSDAY, AUGUST 3, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The Session was opened with prayer by Dr. Hoyt A. Ayers, Pastor, Clayton Street Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Cater	Harvey	Lowe
Allen	Clayton	Henderson	Mize
Barrett	Coleman	Hooton	Patterson
Boutwell	Fite	Hughes	Quaries
Bridges	Gaither	Kimbrell	Summerlin
Burnside	Gulledge	Lamberth	Swift

—23

JOURNAL

Mr. Hooton moved that the reading of the Journal of yesterday be dispensed with. Mr. Coleman objected to dispensing with the reading of the Journal and requested that same be read at length.

LEAVES OF ABSENCE

On motion of Mr. Lowe, leaves of absence were granted Mr. Patton and Mr. Russell for today.

On motion of Mr. Cater, leave of absence was granted Mr. Glover for today.

On motion of Mr. Summerlin, leave of absence was granted Mr. Golson for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Sellers:

H. J. R. 15. Resolved that when the two houses adjourn today they adjourn to meet again Thursday Aug. 3 and when they adjourn Thursday Aug. 3 they adjourn to meet again Friday Aug. 4 and when they adjourn Friday Aug. 4 they adjourn sine die.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 15, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 15. Relative to sine die adjournment of the Legislature Friday, August 4, 1950.

And said Resolution was then adopted by the Senate.

Yeas 14; Nays 6.

Yeas:

Messrs.:	Burnside	Henderson	Patterson	
Allen	Cater	Hughes	Summerlin	
Boutwell	Clayton	Lowe	Swift	
Bridges	Coleman	Mize		—14

Nays:

Messrs.:	Gaither	Hooton	Lamberth	
Barrett	Harvey	Kimbrell		—6

Mr. Swift moved that the Senate reconsider the vote by which the Resolution, H. J. R. 15, was adopted, and on motion of Mr. Clayton, the motion to reconsider was laid on the table.

Yeas 13; Nays 6.

Yeas:

Messrs.:	Cater	Henderson	Mize	
Allen	Clayton	Hughes	Patterson	
Boutwell	Coleman	Lowe	Swift	
Bridges	Gulledge			—13

Nays:

Messrs.:	Burnside	Hooton	Lamberth	
Barrett	Harvey	Kimbrell		—6

At 2:10 P. M., on motion of Mr. Coleman, further reading of the Journal of yesterday was dispensed with and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

Aug. 3, 1950

The Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

We are in receipt of Senate Resolution No. 5, which is as follows:

"BE IT RESOLVED BY THE SENATE OF ALABAMA, that the Justices of the Supreme Court be asked to advise the Senate on the following Constitutional questions:

Section 58 of the Constitution of Alabama 1901 reads as follows:

'Sec. 58. Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting except as otherwise provided in this Constitution.'

(1) Does the above Constitutional section apply to adjournment sine die?

(2) May the Senate of Alabama adjourn sine die without the consent of the House of Representatives, thereby terminating a session of the Legislature?"

We answer your first question in the affirmative; that is, Section 58 of the Constitution of 1901, does have application to an adjournment sine die.

We answer your second question in the negative; that is, the Senate of Alabama may not constitutionally adjourn sine die without the con-

currence of the House of Representatives. Cf.—Opinion of Justices, 216 Ala. 545, 113 So. 621.

Respectfully submitted

/s/ JOEL B. BROWN

Associate Justice

J. ED LIVINGSTON

Associate Justice

THOMAS S. LAWSON

Associate Justice

ROBERT T. SIMPSON

Associate Justice

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

THE STATE OF ALABAMA
CITY AND COUNTY OF MONTGOMERY

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing page contains a full, true and correct copy of the opinion of a majority of the Justices of the Supreme Court of Alabama rendered on August 3rd, 1950, by said Justices of the Supreme Court of Alabama in response and answer to request of the Senate of Alabama by Senate Resolution No. 5, as the same appears and remains of record and on file in this office.

Witness, J. Render Thomas, Clerk of the Supreme Court of Alabama, this the 3rd day of August, 1950.

J. RENDER THOMAS,

Clerk of the Supreme Court of Alabama.

OPINION RENDERED

The foregoing opinion from the Supreme Court, was read and ordered spread upon the Journal.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor.

Respectfully submitted,

W. V. (Bill) LYERLY,

Executive Secretary.

August 3, 1950

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I respectfully request the Senate to remain in session until the Legislature is reapportioned in some manner, which in the wisdom of the Legislature is proper.

I wish to remind the Senate that there hasn't been final action in the Senate on this important matter during our respective terms of office. I also remind the Senate that during that time there has been five special requests and two regular requests from me on this important matter.

In the event that the Senate adjourns, without action, I respectfully advise that I will call you back forthwith for the same purposes that you were called before.

In the event the Legislature continues to adjourn before the Constitution is properly complied with I expect to use whatever power in my command to keep the Legislature in session "until the woods have been properly and brilliantly persimmoned." Your oath and my oath, publicly and properly taken reads that we will comply with the Constitution.

Respectfully,
JAMES E. FOLSOM,
Governor.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

REPORTS OF COMMITTEES

Mr. Hooton, Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 23. To make it a misdemeanor for any state official or employee to use or permit any other person to use a state-owned automobile or other motor vehicle for any purpose other than official state business.

By Mr. Morring:

H. 14. Relating to the compensation of the judge of the Inferior Court of any municipality in the State which has a population of not more than 15,000 and not less than 13,000 inhabitants.

By Messrs. Beck and Martin:

H. 2. To amend sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the subordinate Lodges under its jurisdiction," as amended.

By Mr. Cater:

S. 14. To amend Sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the Subordinate Lodges under its jurisdiction," as amended.

By Mr. Summerlin:

S. 13. Relating to legislative representation; fixing the number of senators and dividing the State into as many senatorial districts as there are senators.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 22. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

The above bill was read a second time at length as required by the constitution.

By Mr. Garrett:

H. 15. Proposing an amendment to the Constitution of Alabama:

To authorize the several school districts of Monroe County to levy and collect a special school tax of thirty cents on each one hundred dollars worth of taxable property; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature.

The above bill was read a second time at length as required by the constitution.

Mr. Barrett, Acting Chairman of the Standing Committee on Public Roads and Highways reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Garrett and White (Perry):

H. 16. To amend Section 11 of Act No. 329, H. 714, approved July 1, 1943, (General Acts of Alabama, 1943, p. 311), as amended, entitled the "Farm to Market Road Act of 1943."

Mr. Clayton, Chairman of the Standing Committee on Privileges and Elections reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 18. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

By Mr. Miller:

H. 5. To amend Section 9 of Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama, 1949, pp. 601-607), which relates to absentee voting in primary, general, special and municipal elections.

By Mr. Shelton:

H. 18. To prohibit boards of registrars from registering persons as qualified electors within ten days prior to any primary, special or general election; and providing that meetings of the boards of registrars authorized to be held on days falling within such period may be held on another day not within such period.

Mr. Kimbrell, Vice-Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Black (with notice and proof):

H. 19. To provide for the City of Jasper a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, fire department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violation.

By Mr. McDonald (with notice and proof):

H. 1. To prescribe the time and manner of the nomination and election of members of the commissioners court of Coosa County, Alabama.

By Mr. Buckner (with notice and proof):

H. 25. Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Broadwater:

H. 13. Proposing an amendment to the Constitution of Alabama relating to Limestone County and the municipality of Athens, and ordering an election thereon.

The above bill was read a second time at length as required by the constitution.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day approved by the Senate.

ADJOURNMENT

At 2:35 P. M., on motion of Mr. Harvey, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Friday, August 4, 1950 at 8 o'clock A. M.

FIFTH LEGISLATIVE DAY FRIDAY, AUGUST 4, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The Session was opened with prayer by Rev. C. S. Forester, Pastor, First Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Clayton	Howle	Lowe
Allen	Cooper	Hughes	Mize
Barrett	Fite	Kendall	Patterson
Boutwell	Gaither	Kimbrell	Quarles
Bridges	Harvey	Lamberth	Swift
Cater	Hooton		

JOURNAL

On motion of Mr. Cater, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Barrett, leave of absence was granted Mr. Coleman for today.

On motion of Mr. Allen, leave of absence was granted all absent Senators for today.

RESOLUTION

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 9. WHEREAS the Secretaries, Clerks and other employees of the Legislature have been very courteous, helpful and at all times rendering superior service to our members in spite of jagged nerves, and trying conditions during the present and past Special Sessions;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA, the House of Representatives concurring that we thank and commend them for their tireless effort to please and careful attention to every duty and that a copy of this Resolution be spread upon the Journals of this Session.

And the Rules were suspended and the Resolution adopted by the Senate.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Cater, further consideration of all Senate Bills, was indefinitely postponed by the Senate.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Lowe, further consideration of the bill, H. B. 14, was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The Bill:

H. 5. To amend Section 9 of Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama, 1949, pp. 601-607), which relates to absentee voting in primary, general, special and municipal elections.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Cater	Hughes	Mize	
Allen	Cooper	Kendall	Patterson	
Barrett	Gaither	Kimbrell	Quarles	
Boutwell	Harvey	Lamberth	Swift	
Bridges	Howle	Lowe		—18
Nays:				—0

The Bill:

H. 19. To provide for the City of Jasper a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, fire department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violation.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Cater	Hughes	Mize	
Allen	Cooper	Kendall	Patterson	
Barrett	Gaither	Kimbrell	Quarles	
Boutwell	Harvey	Lamberth	Swift	
Bridges	Howle	Lowe		—18

Nays: —0

The Bill:

H. 18. To prohibit boards of registrars from registering persons as qualified electors within ten days prior to any primary, special or general election; and providing that meetings of the boards of registrars authorized to be held on days falling within such period may be held on another day not within such period.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Cater	Howle	Mize	
Allen	Cooper	Hughes	Patterson	
Barrett	Fite	Kendall	Quarles	
Boutwell	Gaither	Kimbrell	Swift	
Bridges	Harvey	Lamberth		—18

Nays: —0

The Bill:

H. 2. To amend sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the subordinate Lodges under its jurisdiction," as amended.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Cater	Howle	Lowe	
Allen	Cooper	Hughes	Mize	
Barrett	Fite	Kendall	Patterson	
Boutwell	Gaither	Kimbrell	Quarles	
Bridges	Harvey	Lamberth	Swift	—19

Nays: —0

The Bill:

H. 25. Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Cater	Howle	Mize	
Allen	Cooper	Hughes	Patterson	
Barrett	Fite	Kendall	Quarles	
Boutwell	Gaither	Kimbrell	Swift	
Bridges	Harvey	Lamberth		—18

Nays: —0

The Bill:

H. 16. To amend Section 11 of Act No. 329, H. 714, approved July 1, 1943, (General Acts of Alabama, 1943, p. 311), as amended, entitled the "Farm to Market Road Act of 1943."

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Cater	Howle	Mize	
Allen	Cooper	Kendall	Patterson	
Barrett	Fite	Kimbrell	Quarles	
Boutwell	Gaither	Lamberth	Swift	
Bridges	Harvey	Lowe		—18

Nays:

—0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Gaither, further consideration of the bill, H. B. 1, was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 5. To amend Section 9 of Act No. 424, H. 351, approved August 19, 1949 (Acts of Alabama, 1949, pp. 601-607), which relates to absentee voting in primary, general, special and municipal elections.

Also:

H. 18. To prohibit boards of registrars from registering persons as qualified electors within ten days prior to any primary, special or general election; and providing that meetings of the boards of registrars authorized to be held on days falling within such period may be held on another day not within such period.

Also:

H. 19. To provide for the City of Jasper a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, fire department, and city clerk's office of the city; defining violations of the Act, and imposing penalties for violation.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Patterson:

S. J. R. 9. Relative to expressing appreciation to the secretaries, clerks and other employees of the Legislature for courteous and helpful service to members of the Legislature during the present and past Special Sessions.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Messrs. Quarles and Henderson:

S. 15. To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Kendall:

S. 9. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 2. To amend sections 1, 2 and 5 of Act No. 317, approved December 9, 1859, entitled "An Act To Incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama and the subordinate Lodges under its jurisdiction," as amended.

Also:

H. 16. To amend Section 11 of Act No. 329, H. 714, approved July 1, 1943, (General Acts of Alabama, 1943, p. 311), as amended, entitled the "Farm to Market Road Act of 1943."

Also:

H. 25. Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed

the foregoing bills; the titles of which are set out in the foregoing message from the House.

RESOLUTION

Mr. Quarles offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. Be it resolved by the Senate, the House of Representatives concurring, that Senate Bill No. 15 be designated as the Quarles, Henderson, Molette and Givhan bill.

And the Rules were suspended and the Resolution adopted by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled bills with the engrossed and original bills, respectively, and finds same correctly enrolled, to-wit:

S. 9. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Also:

S. 15. To amend Section 29 of Title 60 of the Code of Alabama (1940), as amended, which relates to the amounts of pensions to be paid to Confederate veterans and their widows.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint Resolution:

By Mr. Beck:

H. J. R. 17. Be it Resolved by the House the Senate concurring that House Bill No. 2 be known as the Cater-Martin-Beck bill.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended and the Resolution, H. J. R. 17, set out in the foregoing Message from the House, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Quarles:

S. J. R. 10. Relating to naming of Senate Bill No. 15.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Roberts:

H. J. R. 18. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of six (6), three members of the House to be appointed by the Speaker of the House, and three members of the Senate to be appointed by the Presiding Officer of the Senate, to wait upon the Governor and inform him that the Legislature now stands ready to adjourn sine die and awaits any further message that he might desire to transmit.

And the Speaker of the House named as a Committee on the part of the House Messrs. Roberts, Coburn and McGowin.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Swift, the Rules were suspended, and the Resolution, H. J. R. 18, set out in the foregoing Message from the House was adopted by the Senate.

The President and Presiding Officer of the Senate appointed Messrs. Hooton, Howle and Cater as Committee on Part of the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 17. Relative to designating H. B. 2 as the Cater, Martin, Beck Bill.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

RESOLUTION

Mr. Quarles offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. Resolved by the Senate, the House concurring, that the name of Mr. Pinson be added as a co-author of Senate Bill No. 15.

And the Rules were suspended and the Resolution adopted by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled bills begs leave to report that said Committee, in session, has compared the following Senate Joint

Resolution with the engrossed and original Senate Joint Resolution and finds same correctly enrolled, to-wit:

S. J. R. 10. Relative to naming Senate Bill 15 the Quarles, Henderson, Molette, and Givhan Bill.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF SELECT COMMITTEE

Mr. Hooton, member of Committee appointed to notify the Governor the Legislature stands ready to adjourn sine die, reported that the Governor had no further message for the Legislature.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Quarles:

S. J. R. 11. Relative to adding the name of Mr. Pinson as co-author of Senate Bill No. 15.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in Session, has compared the following Senate Joint Resolution with the original Senate Joint Resolution and finds same correctly enrolled, to-wit:

S. J. R. 11. Relative to adding the name of Mr. Pinson to Senate Bill 15.

R. G. KENDALL,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

RESOLUTIONS

Mr. Kendall offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. RESOLVED BY THE SENATE, the House concurring, that House Bill No. 15 be designated the Garrett-Swift Bill.

And the Rules were suspended and the Resolution adopted by the Senate.

Mr. Boutwell offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. Resolved that House Bill 13 be known as the Patton, Broadwater Bill.

And the Rules were suspended and the Resolution adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolutions:

By Mr. Boutwell:

S. J. R. 13. Relative to naming House Bill 13.

Also:

By Mr. Kendall:

S. J. R. 12. Relative to naming House Bill No. 15.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MOTION TO RECONSIDER

Mr. Boutwell moved that the Senate reconsider the vote by which further consideration of all Senate Bills on the Calendar was indefinitely postponed, and said vote was reconsidered.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled bills begs leave to report that said Committee, in session has compared the following Senate Joint Resolutions with the original Senate Joint Resolutions and finds same correctly enrolled, to-wit:

S. J. R. 12. Relative to designating House Bill 15 the Garrett-Swift Bill.

Also:

S. J. R. 13. Relative to House Bill 13 being known as the Patton-Broadwater Bill.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MOTION TO INDEFINITELY POSTPONE

Mr. Patterson moved that further consideration of S. B.'s 17, 14, 19, 21, 24, 1, 16, 3 and 23, be indefinitely postponed by the Senate.

Mr. Clayton offered an amendment to said motion, that all Senate Bills on the Calendar be Indefinitely Postponed, and on motion of Mr. Patterson the amendment offered by Mr. Clayton was laid on the table.

Yeas 11; Nays 10.

Yeas:

Messrs.:	Cooper	Gulledge	Kimbrell	
Allen	Fite	Hooton	Patterson	
Barrett	Gaither	Howle	Summerlin	—11

Nays:

Messrs.:	Cater	Kendall	Quarles	
Boutwell	Clayton	Lowe	Swift	
Bridges	Hughes	Mize		—10

The question then recurred on the motion of Mr. Patterson to indefinitely postpone said Senate Bills numbered in his motion, which was lost due to no quorum voting.

Yeas 12; Nays 3.

Yeas:

Messrs.:	Cooper	Gulledge	Kimbrell	
Allen	Fite	Hooton	Patterson	
Barrett	Gaither	Howle	Summerlin	—12
Bridges				

Nays: Messrs. Boutwell, Mize and Swift —3

BILL ON THIRD READING

The Bill:

H. 15. Proposing an amendment to the Constitution of Alabama: To authorize the several school districts of Monroe County to levy and collect a special school tax of thirty cents on each one hundred dollars worth of taxable property; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature.

Was read a third time at length as required by the Constitution and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Clayton	Hooton	Lowe	
Allen	Cooper	Howle	Mize	
Barrett	Fite	Hughes	Patterson	
Boutwell	Gaither	Kendall	Quarles	
Bridges	Gulledge	Kimbrell	Swift	
Cater	Harvey	Lamberth		—22

Nays: —0

Mr. Boutwell moved that the Senate do now proceed to consideration of the bill, H. B. 13, which motion was objected to by Mr. Kimbrell.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 15. Proposing an amendment to the Constitution of Alabama: To authorize the several school districts of Monroe County to levy and collect a special school tax of thirty cents on each one hundred dollars

worth of taxable property; ordering an election upon the proposed amendment to be held at the general election next succeeding the adjournment of the present session of the Legislature.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

- S. B. 9. Delivered to the Governor, August 4, 1950 at 10:45 A. M.
- S. B. 15. Delivered to the Governor, August 4, 1950 at 10:45 A. M.
- S. J. R. 10. Delivered to the Governor, August 4, 1950 at 11:15 A. M.
- S. J. R. 11. Delivered to the Governor, August 4, 1950 at 11:35 A. M.
- S. J. R. 12. Delivered to the Governor, August 4, 1950 at 12:10 P. M.
- S. J. R. 13. Delivered to the Governor, August 4, 1950 at 12:10 P. M.

J. E. SPEIGHT,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journal of the Senate for the Fourth and Fifth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the Fourth and Fifth Legislative Days approved by the Senate.

ADJOURNMENT

At 12:50 P. M., on motion of Mr. Harvey and in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

J. C. INZER,
President and Presiding Officer of the Senate.

Attest:

J. E. SPEIGHT,
Secretary of Senate.

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1950

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JOURNAL
OF THE
SENATE
OF
ALABAMA

FIFTH SPECIAL SESSION 1950

HELD IN THE CITY OF MONTGOMERY,
COMMENCING WEDNESDAY, AUGUST 9, 1950



WITH AN INDEX PREPARED BY THE SECRETARY OF THE
SENATE

Brown Printing Co.
Printers—Binders
Montgomery, Alabama

JOURNAL
OF THE
SENATE
OF
ALABAMA
FIFTH EXTRAORDINARY SESSION
1950

FIRST DAY

WEDNESDAY, AUGUST 9, 1950

Montgomery, Alabama.

BE IT REMEMBERED, That on the 4th day of August, 1950, James E. Folsom, Governor of the State of Alabama, issued his proclamation in words and figures as follows, to-wit:

A PROCLAMATION BY THE GOVERNOR

WHEREAS, the members of the Constitutional Convention who prepared and promulgated the Constitution of 1901 recognizing that population shifts would occur in the State of Alabama from time to time; and the voters of the State who by their ballots ratified said Constitution, understanding the provisions of apportioning membership in the House and the Senate after each decennial census, beginning in 1910, as provided by Sections 199 and 200 of said Constitution; and

WHEREAS, each of the several Legislatures which have convened since the decennial census of 1910, including the present Legislature, have failed to perform the duty required by it by Section 199 and 200 of said Constitution, and the membership thereof has failed or refused to keep and perform the oath of office to which they each subscribed upon entering upon the duties of their respective offices; and

WHEREAS, the failure of the Legislature to comply with the provisions of said Sections 199 and 200 of the Constitution of 1901 has caused to be abridged the privileges or immunities of the citizens of the State of Alabama and tends to deprive said citizens of the due process of law guaranteed to them under the Fourteenth Amendment of the Constitution of the United States; and

WHEREAS, this is the sixth time that I, James E. Folsom, as Chief Executive of the State of Alabama, have called the Legislature into Special Session, for the express purpose of complying with Sections 199 and 200 of the Constitution of Alabama of 1901; and

WHEREAS, the Legislature illegally adjourned without complying with said Sections 199 and 200 of the said Constitution of 1901; and leading Constitutional authorities are of the opinion that any Act attempted to be passed by this Legislature, or any subsequent legislature could not legally become a law because of the failure of the said legislature to take action when specifically called for the purpose of reapportionment.

WHEREAS, the possible illegality of future Acts of the Legislature has caused an extraordinary occasion in the State of Alabama which demands the convening of the Legislature of Alabama in extraordinary session as prescribed by Section 122 of the Constitution of Alabama of 1901:

NOW, THEREFORE, I, James E. Folsom, as Governor of the State of Alabama, do hereby proclaim such extraordinary occasion to exist and I proclaim and direct that the Legislature of the State of Alabama convene in extraordinary session at the Seat of Government at the State Capitol in Montgomery, Alabama, at 12:00 M. on Wednesday, the 9th day of August, 1950, and I do hereby designate the following suggestions and matters to be considered and acted upon by said Legislature in extraordinary session assembled:

1. To pass or adopt an Act or resolution providing for the holding of a Convention to alter, revise or amend the Constitution of the State of Alabama, and especially to provide for the reapportionment of the Legislature as provided in the Constitution of 1901, and submitting the question of Convention or no Convention to a vote of all of the qualified electors of the State of Alabama for their approval, as provided by Article XVIII of the Constitution of Alabama of 1901.

2. To pass an Act proposing an Amendment to Section 50 of the Constitution of Alabama 1901 providing for one Senator from each County in the State of Alabama, and to fix the number of representatives and apportion them among the several counties of the State, according to the number of inhabitants in them respectively.

3. To pass an Act proposing an Amendment to Section 197 of the Constitution of Alabama of 1901 providing for one Senator from each County in the State of Alabama.

4. To pass an Act proposing an Amendment to Section 192 of the Constitution of 1901 to fix the number of the members of the House of Representatives and to make a reapportionment of the members of the house of representatives among the several counties of the State, according to the number of inhabitants in them respectively, as ascertained by the decennial census of the United States, which apportionment when made shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken, as prescribed by Section 198 of the Constitution of 1901.

5. To pass an Act fixing by law the number of representatives and apportioning them among the several counties of the State, according to the number of inhabitants in them, respectively, providing that each county shall be entitled to at least one representative, as prescribed by Section 199 of the Constitution of 1901.

6. To pass an Act proposing an Amendment to Section 200 of the Constitution of Alabama of 1901 to provide that the State of Alabama be divided into sixty-seven (67) Senatorial Districts, each district to consist of one County, and providing that counties created after the adoption of this amendment shall constitute an additional Senatorial District, and to provide that one Senator be elected in and for each Senatorial District.

7. To reapportion the legislature of Alabama to comply with Article IX of the Constitution of Alabama of 1901 in such other, further or different manner as may in the wisdom of the legislature seem fit and proper.

8. To provide for the passage of any local legislation applicable to single counties or subdivisions thereof.

DONE at the Capitol of the State of Alabama on this the 4th day of August, 1950.

JAMES E. FOLSOM,
Governor.

Attest:

SIBYL POOL,
Secretary of State.

Pursuant to said proclamation, at the hour of 12 o'clock noon, on Wednesday, the 9th day of August, 1950, the Senators in the Legislature of Alabama assembled in the Senate Chamber.

The Senate was called to order by Lieutenant-Governor Inzer, President of the Senate. J. E. Speight, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Dr. C. M. Ellisor, District Superintendent, Montgomery Methodist Churches, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Cooper	Henderson	Mize
Allen	Gaither	Hooton	Patterson
Boutwell	Glover	Jowle	Patton
Burnside	Golson	Hughes	Quarles
Cater	Gulledge	Kendall	Russell
Clayton	Hardwick	Lamberth	Swift
Coleman	Harvey	Lowe	Wright

—27

LEAVES OF ABSENCE

On motion of Mr. Mize leave of absence was granted Messrs. Barrett, Kimbrell, and Fite.

On motion of Mr. Golson leave of absence was granted Mr. Summerlin for today.

On motion of Mr. Boutwell leave of absence was granted Messrs. Bridges and Perry.

RESOLUTIONS

Mr. Clayton offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. Resolved by the Senate, the House concurring, that the Legislature do adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

Mr. Boutwell offered the following Senate Resolution, to-wit:

S. R. 2. RESOLVED BY THE SENATE that the Lieutenant Governor appoint two additional Pages for service in the Senate for the first Legislative Day.

The Rules were suspended and the Resolution adopted by the Senate.

The President and Presiding Officer of the Senate appointed as pages Lucky Patton and W. Hawkins, Jr.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Patton:

S. B. 1. To prohibit members of the Legislature from receiving or agreeing to receive, any consideration for procuring any contract, appointive office or place from the State of Alabama or any agent or agency thereof, or for giving any such contract, appointive office or

place; prohibiting them from giving, or agreeing to give, any consideration for the procuring of any such contract, appointive office or place; making any such agreements null and void; prohibiting members of the Legislature, with certain exceptions, from accepting any employment, position, or office of profit under the State of Alabama or any agency thereof, or from receiving any consideration, compensation, or profit for any services rendered to the State of Alabama or any agency thereof; and fixing penalties for the violation of the provisions of the Act.

Committee on Judiciary.

By Mr. Patton:

S. B. 2. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

Committee on Public Health.

By Mr. Allen:

S. B. 3. To make an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Committee on Finance and Taxation.

By Mr. Allen:

S. B. 4. To provide legal counsel for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

Committee on Finance and Taxation.

By Messrs. Lamberth, Fite and Kimbrell:

S. B. 5. To submit to a vote of the qualified electors of the State the question of holding a convention for the purpose of revising the Constitution of Alabama, and to provide for the election of the delegates and to provide for the holding of the convention in the event a majority of the electors voting at the election favor it.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Fite, Lamberth and Kimbrell:

S. B. 6. Proposing an amendment to the Constitution of Alabama relating to legislative representation.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Fite and Kimbrell:

S. B. 7. Relating to legislative representation; making an apportionment of senators and representatives among the several counties; providing for their election; and repealing conflicting laws.

Committee on Judiciary.

By Mr. Boutwell:

S. B. 8. Relating to the taxation of property owned and used by colleges: To exempt from taxes all property owned and used by colleges for housing students, faculty members or other employees of such colleges, and to exempt property owned by colleges for enlargement of campus or for new campus.

Committee on Finance and Taxation.

By Messrs. Henderson and Clayton:

S. B. 9. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector; ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature; and making an appropriation to pay the expenses of holding the election.

Committee on Finance and Taxation.

The above bill was read a first time at length as required by the Constitution.

By Mr. Henderson:

S. B. 10. To provide further regulations governing the administration of pardons and paroles and the remission of fines and forfeitures; providing for the employment of a Parole Clerk and making an appropriation for the payment of his salary.

Committee on Finance and Taxation.

By Mr. Patterson:

S. B. 11. To propose amendments to the Constitution of Alabama relating to the Legislature and the members thereof.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Cater (by request):

S. B. 12. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Committee on Finance and Taxation.

By Mr. Quarles:

S. B. 13. To amend Subsection 1 of Section 1 of Act No. 522, H. 52, approved September 2, 1949 (Acts of Alabama, 1949, page 781), which relates to appropriations to the Governor's office.

Committee on Finance and Taxation.

By Mr. Quarles:

S. B. 14. To provide for the payment of the expenses of the Legislature.

Committee on Finance and Taxation.

By Messrs. Coleman, Cooper, Hughes, Quarles, Lowe and Hooton:

S. B. 15. To amend Section 86 of Title 8 of the Code of Alabama of 1940, which relates to Hunting at night; exception as to fur-bearers.

Committee on Judiciary.

By Mr. Gaither:

S. B. 16. To propose an amendment to the Constitution of Alabama providing that the Senate of Alabama shall be composed of one Senator from each County; ordering an election by the qualified electors of the State of Alabama upon such proposed amendment to be held at the next General Election in November 1950.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gullledge:

S. B. 17. To provide further for the registration of births; and prescribing penalties for violations of the Act.

Committee on Public Health.

By Mr. Gullledge:

S. B. 18. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

Committee on Finance and Taxation.

By Mr. Gullledge:

S. B. 19. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.

Committee on Forestry and Conservation.

By Mr. Gullledge:

S. B. 20. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

Committee on Privileges and Elections.

By Mr. Gullledge:

S. B. 21. To regulate trafficking in poles, posts, logs, or parts thereof, whether growing or dead, standing or cut down: requiring vendors of poles, posts, logs, or parts thereof taken or severed from the lands of another to be licensed by the Department of Conservation; invalidating sales of such poles, posts, logs, or parts thereof, unless bills of sale are executed; imposing upon buyers the rule of caveat emptor as to such sales; defining violations of the Act and prescribing penalties therefor.

Committee on Forestry and Conservation.

By Mr. Gullledge:

S. B. 22. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Gullledge:

S. B. 23. To make it a misdemeanor for any state official or employee to use or permit any other person to use a state-owned automobile or other motor vehicle for any purpose other than official state business.

Committee on Judiciary.

By Mr. Gullledge:

S. B. 24. To make it unlawful to sell any spirituous, vinous, or other alcoholic beverage, except malt or brewed beverages, in any place except stores operated by the Alabama Alcoholic Beverage Control Board; provide for the purchase by the Alabama Alcoholic Beverage Control Board of any stock in the hands of dealers when this Act becomes effective.

Committee on Temperance.

By Mr. Gullledge:

S. B. 25. To amend Section 73 of Title 29 of the Code of Alabama (1940) which relates to unlawful sites for liquor stores.

Committee on Temperance.

By Mr. Hooton:

S. B. 26. To fix and provide for the payment of expenses to be

allowed legislators, other than actual expenses of traveling, pursuant to Amendment LVII of the Constitution.

Committee on Finance and Taxation.

By Mr. Kendall:

S. B. 27. To amend Section 5 of Act No. 515, H. 93, approved July 9, 1945 (General Acts of Alabama, 1945, page 734), as amended, which establishes a state employees' retirement system.

Committee on Judiciary.

By Mr. Swift:

S. B. 28. To propose and submit to the qualified electors of the State of Alabama an Amendment to the Constitution of Alabama, amending Sections 197, 198, 199 and 201 of the Constitution 1901 of Alabama, providing for representation in the Senate and House of Representatives of the State of Alabama; and to repeal Sections 200, 202 and 203 of the Constitution 1901 of Alabama and Sections 1 and 2 of Title 32 of the Code 1940 of Alabama.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Patterson:

S. B. 29. To provide law clerks to be appointed by the Chief Justice and the Associate Justices of the Supreme Court, to prescribe their duties and fix their compensation.

Committee on Judiciary.

By Mr. Patterson:

S. B. 30. To amend Article II, Title 13, Sections 31, 32 and 33 of the Code of Alabama of 1940, as amended by Act No. 243 of the 1949 Regular Session of the Legislature, to provide supernumerary judges for courts of record; to prescribe their tenure, duties, powers, fix their compensation, method of payment, and to prescribe the terms and conditions under which members of the Supreme Court and the Court of Appeals and Circuit Judges may become such.

Committee on Judiciary.

By Mr. Harvey:

S. B. 31. To propose amendments to the Constitution of Alabama relating to the Legislature and the members thereof.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

I am directed by the House of Representatives to notify the Senate that the House of Representatives is now in session and is ready for the transaction of public business.

R. T. GOODWYN, JR.,
Clerk.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following Senate joint resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 1—Relative to sine die adjournment of the legislature.

And said resolution was adopted by the Senate.

Yeas 14; Nays 10.

Yeas:

Messrs.:	Clayton	Fienderson	Patterson	
Allen	Coleman	Hughes	Patton	
Boutwell	Glover	Kendall	Quarles	
Cater	Golson	Lowe		—14

Nays:

Messrs.:	Gaither	Hooton	Swift	
Burnside	Gulledge	Howle	Wright	
Cooper	Hardwick	Lamberth		—10

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Roberts:

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of three members of the House, to be named by the Speaker of the House, and two members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

BE IT FURTHER RESOLVED that the said Committee ascertain and report back to these bodies if the Governor desires to address a joint session of the Legislature and if so, the time most suitable to His Excellency.

And the Speaker of the House named on the part of the House Messrs. Roberts, Coburn and Inzer.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 2, set out in the foregoing message from the House was read and referred to the standing committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Howell:

H. J. R. 3. Whereas, the death of Representative Tarvey W. Bennett has deprived the Legislature and the State of a valuable and honorable public servant, and

Whereas, his services and activities as a member of the House of Representatives have been a substantial contribution to the welfare of the State, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. The death of Tarvey W. Bennett is mourned by the members of the Legislature.

2. The sympathy of the members of the Legislature is hereby extended to the surviving members of the deceased's family.

3. The Clerk of the House of Representatives is directed to forward a copy of this resolution to the family of Tarvey W. Bennett.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended, and the resolution, H. J. R. 3 set out in the foregoing message from the House, was adopted by the Senate.

RESOLUTIONS

Mr. Lowe offered the following Senate Resolution to-wit:

S. R. 3. WHEREAS the Supreme Court of Alabama has returned to the Senate in response to the request of the Senate, the opinion of the Supreme Court that the office of Commissioner of Public Welfare is an office of profit under the State of Alabama within the meaning of Section 280 of the Constitution of Alabama, and

WHEREAS the Senator from the 10th Senatorial District, after his election and being sworn in and serving as a member of the Senate did accept said office as Commissioner of Public Welfare.

NOW THEREFORE it is the judgment of the Senate that the said Senator from the 10th Senatorial District is disqualified from serving as a member of the Senate, and that the office of Senator from the 10th Senatorial District of Alabama is vacant.

Which was read and referred to the Standing Committee on Rules.

Mr. Lowe offered the following Senate resolution to-wit:

S. R. 4. Whereas the Honorable Thomas A. Johnston, III, was elected to the Senate from the thirty-third senatorial district to fill the vacancy created by the resignation of Senator Langan on Tuesday, August 8, 1950; and

Whereas Section 46 of the Constitution provides that senators and representatives shall take office on the day after their election; and

Whereas Section 51 of the Constitution provides that the Senate shall judge of the election, returns, and qualifications of its members; now therefore,

BE IT RESOLVED BY THE SENATE, That the Honorable Thomas A. Johnston, III, be hereby declared to be a member of this Senate.

Which was read and referred to the Standing Committee on Rules.

Mr. Cater offered the following Senate joint resolution, to-wit:

S. J. R. 5. WHEREAS Alabama State College for Negroes, Montgomery, Alabama, established seventy-five years ago for the purpose of serving as a State University for Negroes, is a Class A accredited College by the Southern Association of Colleges and Secondary Schools, is offering the Master's degree in Education, and graduated more Negroes with the Bachelor's degree last year than any other college in America, and

WHEREAS the late Honorable William Burns Paterson served as the first President of the College and gave it sound direction in its beginning, and

WHEREAS the present President, Dr. H. Councill Trenholm, succeeded his father, Professor George W. Trenholm, as President of Alabama State College for Negroes twenty-five years ago, and has worked unceasingly with great diligence to build up the College, and

WHEREAS the College has exercised outstanding leadership in the harmonious and peaceful development of the Negro race to bring about its maximum contributions to the welfare of all the people of the State,

NOW THEREFORE BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. That we do recognize the contributions of the Alabama State College for Negroes and especially take notice of the seventy-fifth anniversary of this College, and

2. That we express our appreciation to Dr. H. Councill Trenholm on his twenty-fifth anniversary as President of Alabama State College for Negroes for his leadership and untiring efforts for the best development of the people of his race in their efforts to make the maximum contributions to the harmonious development of the people of this State.

And the rules were suspended and the resolution adopted by the Senate.

Mr. Clayton offered the following Senate Resolution, to-wit:

S. R. 6. WHEREAS in the last two months the Governor has called the Legislature into Special Session on four separate occasions to consider certain legislation, proposed amendments to the constitution, and whether the question of holding a constitutional convention should be submitted to the people, and

WHEREAS the Senate has heretofore repeatedly considered and voted upon each of these subjects not only in special sessions but also in the regular sessions of 1947 and 1949, and

WHEREAS, there is no probability that the Legislature at a Special session will reach any agreement upon a reapportionment measure, and

WHEREAS it is the opinion of a majority of the members of the Senate that there does not now, and has never heretofore existed an extraordinary occasion justifying the convening of the Legislature in special session to consider either of the subjects embraced in the present and preceding special calls, and

WHEREAS any action now taken by the Legislature on either of the subjects embraced in the present call could not become effective until 1954, before which date the newly elected Legislature will have met in extended regular sessions in 1951 and 1953, at either of which all questions included in the present special call can be fully considered and acted upon without the necessity of great expense and inconvenience attendant upon a called special session, and

WHEREAS the Chief Executive has publicly asserted his intention to continue to convene the Legislature in special session until a required majority of its members approve his demands, and

WHEREAS in the opinion of the Senate the action of the Chief Executive in the particulars herein set forth ill become the Chief Executive of a free state, partaking more of the arrogant conduct of a dictator of brow-beaten subjects, and evidence a thorough disregard of the independent responsibilities of the Legislature,

THEREFORE, BE IT RESOLVED BY THE SENATE:

1. That it is the opinion of the Senate that the Chief Executive has flagrantly abused the power reposed in him to call the Legislature into special session.

2. That the Senate by this resolution register its high disapproval of the action of the Chief Executive in seeking to embarrass members of the Legislature, and thus influence their will, by false charges recklessly

made that the Legislature has failed and refused to take any action upon the subjects embraced in the several special calls.

3. That the Senate protests the great expense and cost to the State occasioned by the continued convening of the Legislature in unnecessary special sessions.

4. That a copy of this resolution to be forthwith handed the Chief Executive, and a copy be simultaneously released to the press, that the Governor and the public may immediately be informed of the whole-hearted disapproval by the Senate of the action of the Chief Executive, and threats to continue such action until the duly elected representatives of the people surrender their constitutionally imposed prerogatives, powers and responsibilities as an independent branch of the Government and submit to his arbitrary will.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Messrs. Ingalls, Sightler and Busby:

H. J. R. 6. WHEREAS Alabama State College for Negroes, Montgomery, Alabama, established seventy-five years ago for the purpose of serving as a State University for Negroes, is a Class A accredited College by the Southern Association of Colleges and Secondary Schools, is offering the Master's degree in Education, and graduated more Negroes with the Bachelor's degree last year than any other college in America, and

WHEREAS the late Honorable William Burns Paterson served as the first President of the College and gave it sound direction in its beginning, and

WHEREAS the present President, Dr. H. Councill Trenholm, succeeded his father, Professor George W. Trenholm, the President of Alabama State College for Negroes twenty-five years ago, and has worked unceasingly with great diligence to build up the College, and

WHEREAS the College has exercised outstanding leadership in the harmonious and peaceful development of the Negro race to bring about its maximum contributions to the welfare of all the people of the State,

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING;

1. That we do recognize the contributions of the Alabama State College for Negroes and especially take notice of the seventy-fifth anniversary of this College, and

2. That we express our appreciation to Dr. H. Councill Trenholm on his twenty-fifth anniversary as President of Alabama State College for Negroes for his leadership and untiring efforts for the best development of the people of his race in their efforts to make the maximum contributions to the harmonious development of the people of this State.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended and the resolution, H. J. R. 6, set out in the foregoing message from the House was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

I herewith transmit to you a message from the Governor.

Respectfully submitted,
W. V. (Bill) LYERLY,
Executive Secretary.

August 9, 1950.

To the Senate of Alabama
State Capitol
Montgomery, Alabama
Gentlemen:

Our soldiers are at the front in Korea this day, fighting for the way of life which we are privileged to know here in America. They are fighting and dying for the preservation of a way of life which gives our people the right of choice—the right to choose sides in politics, religion, and major questions. Only a democracy affords its people that choice.

We are fighting for that right of choice in Korea today.

It seems to me if we are to preach that theme to Korea and the world, we first should be about our Father's business here at home. We should put our house of democracy in order here in Alabama.

How can we expect soldiers at the battlefield to believe in what they are fighting and dying for, when such an indifferent attitude is being taken on the problem of extending full democracy to our people in this State?

The fighting in Korea and the question of reapportionment are not so very far apart as some might be prone to think. Both are concerned with the freedom of choice and the rule of the majority.

A minority group usurps the right of the majority, and forces its selfish connivings upon the many.

And that brings us to a situation which is closely akin to what we are confronted with here at home this day. We have a minority group who is determined to hold onto its power, regardless of how much long range deterioration and chaos it may cause the state and the people. This minority group here in Alabama whether it fully realizes it or not, is preventing democracy from being fully effective here at home. It is making it so that our people shall not have the full freedom of choice which is guaranteed them by our Constitution.

It is hard to understand why a group of our lawmakers refuses to give our people their full and rightful share of democracy. Our people are talking. Everywhere in Alabama today they are talking about reapportionment as never before in our State's history. And it is hard for them to understand why a minority group will put their own selfish gain ahead of our most basic and fundamental concept of democracy.

Gentlemen, we face a most serious situation.

This legislature is either going to settle down to an honest reapportionment bill and vote upon it, either for or against, in both houses, or else it is going to be recorded in the pages of Alabama history as a legislature which refused to perform its duties according to the law. It will be recorded as a legislature which failed democracy in Alabama, and in doing so, failed the people.

There is no malice in my heart toward anyone about this matter. I am following the dictates of my conscience which I believe to be right beyond a shadow of doubt, because the language of our Constitution is easily understood.

And so today, I am making the strongest plea of my life to you public servants who make the laws for the three million people of Alabama.

I am making a plea to you to search out your hearts for the wisdom of Jesus Christ who gave to civilized man a pattern of democracy unequalled by anything the world has ever known.

I am making a plea to you to give our people an honest democratic choice here in Alabama.

And now, gentlemen, the plea for justice, the plea for equal voice under the law, the plea for choice, rests in your hands.

I trust that you will deliberate upon the matter and find it in your hearts to put our house of democracy in order here at home.

I thank you.

Respectfully,
JAMES E. FOLSOM,
Governor.

GOVERNOR'S MESSAGE

The foregoing message from his Excellency, the Governor, was read and ordered spread upon the Journal.

REPORT FROM THE RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules reported that said Committee, in session, had acted on the following Senate resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

S. R. 4. Relative to declaring Hon. Thomas A. Johnston, III, member of the Alabama Senate.

And the Rules Committee reported the following amendment to the resolution, to-wit:

AMENDMENT TO S. R. 4

Amend S. R. 4 by adding at the end of paragraph one the following:

"Whereas the Honorable C. L. Weathers was elected to the Senate from the fifth senatorial district to fill the vacancy created by the death of Senator Charles J. Owens; and"

And further amend S. R. 4 by adding at the end of the last paragraph of said resolution the following:

"Be it further resolved by the Senate that the Honorable C. L. Weathers be hereby declared to be a member of this Senate."

And said amendment was adopted by the Senate.

And the resolution, S. R. 4, as thus amended was adopted by the Senate.

Mr. Lowe moved that the Senate reconsider the vote by which the resolution, as amended, was adopted, and then moved to lay on the table the motion to reconsider. The motion to table prevailed.

OATH OF OFFICE

In accordance with Senate Resolution 4 heretofore adopted and upon the request of the President and Presiding Officer of the Senate, Senator-elect Thomas A. Johnston, III came forward and Hon. J. C. Inzer, Lieutenant-Governor, administered to him the oath of office prescribed by the Constitution of the State of Alabama, and Senator Johnston subscribed his name to said oath as follows:

OATH OF OFFICE

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability, So help me God."

THOMAS A. JOHNSTON, III.

RESIGNATION OF COMMITTEE MEMBERS

Thereupon, Mr. Boutwell resigned as member of the Standing Committee on Rules.

COMMITTEE APPOINTMENT

The President and Presiding Officer of the Senate appointed Hon. Thomas A. Johnston, III, to fill all Committee vacancies created by the resignation of Hon. Joseph N. Langan.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules reported that said committee in session had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 2. Relative to appointing joint committees to notify the Governor that Legislature is now in session, and to ascertain if the Governor desires to address a joint session of the Legislature.

And said resolution was adopted by the Senate.

The President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Boutwell and Mize.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. McGowin:

H. J. R. 4. WHEREAS, the Governor has called another special session of the Legislature to consider reapportionment measures; and

WHEREAS, during the current quadriennium many reapportioning and re-districting measures have been presented to the Legislature in both regular and special sessions; and

WHEREAS, it is apparent that none of these measures were satisfactory in view of the unfavorable actions taken on them by the Legislature;

NOW THEREFORE BE IT RESOLVED by the House of Representatives, the Senate concurring, that a committee of nine members be appointed—five from the House of Representatives to be appointed by the Speaker of the House and four from the Senate to be appointed by the Lieutenant Governor to study this subject in all of its aspects and to report its recommendations to the Legislature.

BE IT FURTHER RESOLVED that this joint committee designate one of its members as chairman and that the committee members be paid the usual per diem only for days actually in attendance, and which days shall be certified by the chairman.

BE IT FURTHER RESOLVED that when the two houses adjourn today they adjourn to meet again on Tuesday, October 3, 1950, at 12 noon and during this recess the members, other than those designated in the preceding paragraphs shall receive no compensation.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The resolution H. J. R. 4, set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

Mr. Coleman moved that the Senate take a recess until 3:30 o'clock this afternoon.

Mr. Lowe moved as a substitute motion that the Senate take a recess until 10 o'clock tomorrow morning, which motion was lost.

Yeas 13; Nays 15.

Yeas:

Messrs.:	Coleman	Hooton	Lowe	
Boutwell	Glover	Hughes	Quarles	
Cater	Golson	Johnston	Wright	
Clayton	Henderson			—13

Nays:

Messrs.:	Gaither	Howle	Patterson	
Allen	Gulledge	Kendall	Patton	
Burnside	Hardwick	Lamberth	Russell	
Cooper	Harvey	Mize	Swift	—15

RECESS

The question then recurred on the motion of Mr. Coleman, and at 2:15 o'clock P. M., on motion of Mr. Coleman, the Senate took a recess until 3:30 o'clock this afternoon.

Yeas 18; Nays 7.

Yeas:

Messrs.:	Clayton	Howle	Patterson	
Allen	Coleman	Hughes	Quarles	
Boutwell	Gulledge	Johnston	Swift	
Burnside	Hardwick	Kendall	Wright	
Cater	Henderson	Lowe		—18

Nays:

Messrs.:	Harvey	Lamberth	Patton	
Cooper	Hooton	Mize	Russell	—7

AFTERNOON SESSION

FIRST LEGISLATIVE DAY

Wednesday, August 9, 1950

The Senate re-assembled at 3:30 P. M., Lieutenant-Governor Inzer presiding.

ROLL CALL

Present:

Messrs.:	Clayton	Golson	Hooton
Allen	Coleman	Gulledge	Howle
Boutwell	Cooper	Hardwick	Hughes
Burnside	Gaither	Harvey	Johnston
Cater	Glover	Henderson	Kendall

Lamberth
Lowe
Mize

Patterson
Patton
Quarles

Russell
Summerlin

Swift
Wright

—29

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 3. Relative to the Legislature of Alabama mourning the death of Representative Tarvey W. Bennett and extending sympathy to the family of the deceased.

Also:

H. J. R. 6. Relative to the Legislature of Alabama recognizing the contributions of the Alabama State College for Negroes and taking notice of the seventy-fifth anniversary of this College and also expressing appreciation to the President, Dr. H. Council Trenholm.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MOTION IN WRITING

Mr. Hardwick offered the following motion in writing:

"I move that the Rules Committee return to the Senate House Joint Resolution No. H. J. R. 4 at 4:00 P. M. August 9, 1950."

HARDWICK.

Mr. Henderson moved to lay the motion of Mr. Hardwick on the table, and the motion to table was lost.

Yeas 9; Nays 19.

Yeas:

Messrs.:
Boutwell
Cater

Clayton
Coleman
Golson

Henderson
Johnston

Quarles
Wright

—9

Nays:

Messrs.:
Allen
Burnside
Cooper
Gaither

Glover
Gulledge
Hardwick
Harvey
Hooton

Howle
Hughes
Kendall
Lamberth
Mize

Patterson
Patton
Russell
Summerlin
Swift

—19

RECESS

At 3:50 P. M., on motion of Mr. Clayton, the Senate took a recess until 4 P. M.

The Recess period having expired, the Senate was called to order by Lieutenant Governor Inzer.

REPORT FROM THE RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, with amendments, to-wit:

H. J. R. 4. Relative to recess of the Legislature until October 3, 1950, and committee to study reapportionment to report back to Legislature.

And the Rules Committee reported the following amendment to the resolution, to-wit:

AMENDMENT TO H. J. R. 4

Amend H. J. R. 4 as follows:

Strike the figure 9 where it appears in paragraph 4 and substitute 10 therefor.

Strike the figure 4 where it appears in paragraph four and substitute 5 therefor.

Mr. Hooton moved to lay said amendment on the table, and the motion to table was lost.

Yeas 8; Nays 20.

Yeas:

Messrs.:	Hooton	Lamberth	Patterson	
Gaither	Howle	Mize	Summerlin	
Harvey				—8

Nays:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Henderson	Quarles	
Boutwell	Glover	Hughes	Russell	
Burnside	Golson	Johnston	Swift	
Cater	Gulledge	Kendall	Wright	
Clayton				—20

The question then recurred on amendment No. 1 offered by the Rules Committee, and said amendment was then adopted by the Senate.

The Rules Committee also reported the following amendment to the resolution, as amended, to-wit:

AMENDMENT TO H. J. R. 4

Amend H. J. R. 4 as follows:

Strike the amendment by the Rules Committee of the House which amendment substituted the words and figures October 3, 1950 for the words and figures October 17, 1950.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Brannan:

H. J. R. 9. WHEREAS, Fort Morgan is a place of great historic interest, and

WHEREAS, The Legislature is desirous of having Fort Morgan and Fort Morgan Park properly cared for and beautified, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That:

1. The State Department of Conservation is hereby requested to employ or assign a landscape engineer to plan and supervise the beautification of Fort Morgan Park.

2. The State Department of Conservation is hereby further requested to employ or assign an architect to plan and supervise the restoration of Fort Morgan.

3. The Clerk of the House is directed to transmit a copy of this resolution to the Director of the Department of Conservation.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 9, set out in the foregoing message from the House was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Brannan:

H. J. R. 10. Be it resolved by the House of Representatives, the Senate concurring, that House Joint Resolution No. 9 which has passed both houses of the Legislature be and the same is hereby named the Brannan-Gulledge Resolution.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 10, set out in the foregoing message from the House, was adopted by the Senate.

At 5:15 P. M. Mr. Boutwell moved that the Senate adjourn until tomorrow at 2 P. M., which motion was lost.

Yeas 8; Nays 18.

Yeas:

Messrs.:
Boutwell
Clayton

Coleman
Golson

Henderson
Hooton

Quarles
Wright

—8

Nays:

Messrs.:
Allen
Burnside
Cooper
Gaither

Glover
Gulledge
Hardwick
Harvey
Howie

Hughes
Johnston
Kendall
Lamberth
Mize

Patterson
Russell
Summerlin
Swift

—18

PAIR ANNOUNCED

Mr. Cater announced that he was paired with Mr. Patton on this vote; that Mr. Patton, if present, would vote "Nay," and he, Mr. Cater would vote "Yea."

At 5:40 P. M. Mr. Lowe moved that the Senate adjourn until tomorrow at 10 A. M., which motion was lost; no quorum voting.

Yeas 2; Nays 14.

Yeas: Messrs: Clayton and Coleman. —2

Nays:

Messrs.:	Hardwick	Johnston	Patterson
Allen	Harvey	Kendall	Summerlin
Gaither	Howle	Lamberth	Swift
Gulledge	Hughes	Mize	—14

PAIR ANNOUNCED

Mr. Russell announced that he was paired with Mr. Wright on this vote; that Mr. Wright, if present, would vote "Yea," and he, Mr. Russell, would vote "Nay."

Mr. Hardwick moved that the Sergeant at Arms be instructed to bring in absent Senators in order to complete a quorum, which motion was adopted.

Mr. Swift moved that Mr. Johnston and Mr. Ralph Macon be appointed as Committee to bring in absent Senators. Mr. Johnston moved to lay said motion on the table, and the motion to table was lost.

Yeas 3; Nays 14.

Yeas: Messrs. Clayton, Johnston and Russell. —3

Nays:

Messrs.:	Gulledge	Kendall	Patterson
Allen	Hardwick	Lamberth	Summerlin
Burnside	Harvey	Lowe	Swift
Gaither	Howle	Mize	—14

Thereupon Mr. Macon and Mr. Johnston were instructed to bring in all absent Senators.

At 6:20 P. M. Mr. Lowe moved that the Senate adjourn until 11 o'clock tomorrow which motion was lost.

Yeas 2; Nays 15.

Yeas: Messrs. Clayton and Lowe. —2

Nays:

Messrs.:	Gulledge	Johnston	Patterson
Allen	Hardwick	Kendall	Russell
Burnside	Harvey	Lamberth	Summerlin
Gaither	Howle	Mize	Swift
			—15

ADJOURNMENT

Mr. Summerlin moved that the Senate adjourn until tomorrow, August 10, 1950, at 12:01 A. M. Mr. Hardwick moved as a substitute motion that the Senate adjourn until tomorrow at 10 A. M. And at 6:35 P. M., on motion of Mr. Hardwick, and pending further consideration of H. J. R. 4, the Senate adjourned until tomorrow, August 10, 1950 at 10 A. M.

Yeas 13; Nays 4.

Yeas:

Messrs.:	Gulledge	Kendall	Russell	
Allen	Hardwick	Lamberth	Summerlin	
Burnside	Howle	Mize	Swift	
Gaither	Johnston			—13

Nays:

Messrs.:	Harvey	Lowe	Patterson	
Clayton				—4

SECOND LEGISLATIVE DAY

THURSDAY, AUGUST 10, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Rev. James M. Gurley, Highland Avenue Church of Christ.

ROLL CALL

Present:

Messrs.:	Coleman	Howle	Patterson	
Allen	Gaither	Hughes	Quarles	
Barrett	Golson	Johnston	Russell	
Boutwell	Gulledge	Kendall	Summerlin	
Burnside	Hardwick	Kimbrell	Swift	
Cater	Harvey	Lamberth	Wright	
Clayton	Henderson	Lowe		—26

JOURNAL

Mr. Patterson moved that the reading at length of the Journal of yesterday be dispensed with. On objection of Mr. Lowe and Mr. Coleman to dispense with the reading of the Journal, the Secretary began the reading at length of the Journal of yesterday.

LEAVE OF ABSENCE

On motion of Mr. Barrett leave of absence was granted Mr. Mize for today.

RESOLUTION

Mr. Swift offered the following Senate resolution, to-wit:

S. J. R. 7. Whereas, Sections 198, 199, and 200 of the Constitution require the Legislature to apportion the members of the House of Representatives and fix the number of senators and divide the State into as many senatorial districts as there are senators after each federal decennial census, "which apportionment, when made, shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken"; and

Whereas, the Code of Alabama of 1940 sets out an apportionment of the members of the House of Representatives and fixes the number of senators and divides the State into as many senatorial districts as there are senators in Title 32, Sections 1 and 2, which sections meet the requirements of Sections 198, 199, and 200 of the Constitution and were enacted into a law which became effective May 31, 1941; and

Whereas, the decennial census of the United States taken in 1950, the first decennial census of the United States taken since Sections 1 and 2 of Title 32, Code of Alabama (1940), became effective, has not been officially published or the results thereof officially proclaimed; and

Whereas, the contention has been made that this Legislature, meeting now in special session, is prohibited by Section 198 of the Constitution from altering the apportionment of members of the House of Representatives made by Section 1 of Title 32, Code of Alabama (1940) "until the next session of the legislature after the next decennial census of the United States shall have been taken," and is prohibited by Section 200 of the Constitution from changing the senatorial districts as fixed by Section 2 of Title 32, Code of Alabama (1940), "until the next apportioning session of the legislature, after the next decennial census of the United States shall have been taken," at this session of the Legislature of any special session thereof subsequently convened; now therefore,

BE IT RESOLVED BY THE SENATE:

That the Justices of the Supreme Court, or a majority of them, are hereby respectfully requested to give this body their written opinion concerning the following important constitutional question:

1. Has this Legislature any power or authority to apportion representation in the House of Representatives as provided by Sections 198 and 199 of the Constitution or change the senatorial districts as provided in Section 200 of the Constitution at this special session or any session subsequently convened until after the federal census of 1950 is completed and promulgated by the proper federal authority?

Which was read and referred to the Standing Committee on Rules.

At 10:55 A. M., the Secretary completed the reading at length of the Journal of yesterday and same was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 9. Relative to the restoration and beautification of Fort Morgan and Fort Morgan Park.

Also:

H. J. R. 10. Relative to naming House Joint Resolution No. 9 the Brannan-Gulledge Resolution.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Burnside:

S. B. 32. To amend Section 197, Title 52, Code of Alabama 1940, to provide for employees in school building operation, maintenance, or clerical work not connected directly with teaching or supervision of instruction to take their vacations during any time of the year which is convenient to the board of education.

Committee on Education.

By Messrs. Burnside and Patterson:

S. B. 33. Proposing amendments to the Constitution relating to the Legislature and legislative representation.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Kimbrell:

S. B. 34. Proposing an amendment to the Constitution of Alabama relating to Fayette County, and ordering an election thereon.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

REPORTS OF COMMITTEES

Mr. Wright, Chairman of the Standing Committee on Public Health reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Patton:

S. 2. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

Mr. Swift, Vice-Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cater (by request):

S. 12. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 22. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

The above bill was read a second time at length as required by the Constitution.

Mr. Clayton, Chairman of the Standing Committee on Privileges and Elections reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 20. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

Mr. Kendall, Vice-Chairman of the Standing Committee on Forestry and Conservation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 21. To regulate trafficking in poles, posts, logs, or parts thereof, whether growing or dead, standing or cut down: requiring vendors of poles, posts, logs, or parts thereof taken or severed from the lands of another to be licensed by the Department of Conservation; invalidating sales of such poles, posts, logs, or parts thereof, unless bills of sale are executed; imposing upon buyers the rule of caveat emptor as to such sales; defining violations of the Act and prescribing penalties therefor.

By Mr. Gullledge:

S. 19. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. R. 7. Relative to requesting Supreme Court opinion regarding this Legislature from altering apportionment of Legislature under Sections 198 and 199 and 200 of the Constitution.

The Rules Committee reported the following substitute for the resolution, to-wit:

Whereas, Sections 198, 199, and 200 of the Constitution require the Legislature to apportion the members of the House of Representatives and fix the number of senators and divide the State into as many senatorial districts as there are senators after each federal decennial census, "which apportionment, when made, shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken"; and

Whereas, the Code of Alabama of 1940 sets out an apportionment of the members of the House of Representatives and fixes the number of senators and divides the State into as many senatorial districts as there are senators in Title 32, Sections 1 and 2, which sections meet the requirements of Sections 198, 199, and 200 of the Constitution and were enacted into a law which became effective May 31, 1941; and

Whereas, the decennial census of the United States taken in 1950, the first decennial census of the United States taken since Sections 1 and 2 of Title 32, Code of Alabama (1940), became effective, has not been officially published or the results thereof officially proclaimed; and

Whereas, there are now pending before the Legislature House Bills 4, 17, and 18 and Senate Bill 7 which are proposed measures relating to

reapportionment of legislative representation on the basis of Sections 198, 199, and 200 of the Constitution; now therefore.

BE IT RESOLVED BY THE SENATE:

That the Justices of the Supreme Court, or a majority of them, are hereby respectfully requested to give this body their written opinion concerning the following important constitutional question:

1. Has this Legislature any power or authority to apportion representation in the House of Representatives as provided by Sections 198 and 199 of the Constitution or change the senatorial districts as provided in Section 200 of the Constitution at this special session or any session subsequently convened until after the federal census of 1950 is completed and promulgated by the proper federal authority?

Which was adopted.

And the Resolution, S. R. 7, as thus amended, was then adopted by the Senate.

RESOLUTION

The Rules Committee offered the following Senate Resolution to-wit:

S. R. 8. Be it resolved by the Senate of Alabama, That the Justices of the Supreme Court, or a majority of them, are hereby respectfully requested to give this body their written opinion concerning the following important constitutional questions:

1. Are proposed amendments 1 and 2 as set forth in the attached proposed bill, which is incorporated herein and made a part hereof, within the power of the Legislature to initiate under the provisions of Section 284 of the Constitution, as amended?

2. Do said proposed amendments infringe the constitutional restriction placed on the Legislature in Section 284 of the Constitution, as amended?

Be it resolved further, That the Justices are requested to return their opinions to the Secretary of the Senate, whether this body be in session or not, and the Secretary shall cause the same to be incorporated in the Journal.

And said resolution was adopted by the Senate.

**A BILL
TO BE ENTITLED
AN ACT**

To propose amendments to the Constitution of Alabama relating to the Legislature and the members thereof.

Be it enacted by the Legislature of Alabama:

Section 1. The following amendments to the Constitution of Alabama are proposed, to become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

AMENDMENTS

"1. The House of Representatives of Alabama shall be composed of one representative from each county.

"2. The Senate of Alabama shall be composed of three senators from each congressional district of the State, to be elected at large by the qualified electors of the counties composing the district, except in the case of one county constituting a separate congressional district, which shall elect two senators; in the event more than one candidate for senator offers from the same county only the candidate from that county

receiving the highest number of votes shall be eligible to nomination or election to the Senate, except in the case of one county constituting a separate district as aforesaid.

"3. The Legislature shall convene in regular sessions on the first Tuesday in May of 1955 and each second year thereafter. The Legislature shall not remain in session longer than one hundred consecutive calendar days, including Sundays, and shall not meet for less than three legislative days each week. Special sessions of the Legislature may be convened in the manner provided by this Constitution only for an emergency arising since the preceding adjournment, and shall not continue for longer than one hundred consecutive calendar days, including Sundays. The Legislature shall not meet for less than three legislative days each week during a special session.

"4. Members of the Legislature shall receive an annual salary, to be fixed by the Legislature at a sum not to exceed three thousand dollars per annum, which shall be in lieu of all other compensation, per diem, mileage, or other allowances, and shall be paid in equal monthly installments.

"5. The senators and representatives provided for herein shall be elected by the qualified electors at the general election of 1954 and every fourth year thereafter. The other provisions hereof shall become effective at the beginning of the term of the members of the Legislature elected at the general election of 1954.

"6. No member of the Legislature shall, during his continuance in office, hold any other office, position, employment, or place under this State or any political subdivision or agency thereof, except as a member of the National Guard or as a member of a board, commission, committee, council, or similar body, the membership of which is elected in whole or in part by the Legislature or either house thereof; and no member of the Legislature shall, after his election or during his continuance in office, receive, directly or indirectly, any consideration, compensation, or profit for any contract with, or for any services rendered to, the State or any political subdivision or agency thereof. Any member of the Legislature who enters upon the duties of another office, position, employment, or place, or receives, directly or indirectly, any consideration, compensation, or profit for any contract or services contrary to the provisions hereof ipso facto vacates his office as a member of the Legislature, and the presiding officer of the house of which he was a member shall declare his seat vacant, and the secretary or clerk, as the case may be, shall strike his name from the roll.

"7. Any provisions of this Constitution which conflict with the provisions hereof are superseded and repealed. All other provisions of the Constitution relating to the Legislature shall remain in force and effect."

Section 2. An election upon the proposed amendments is ordered to be held at the general election next succeeding this session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Alabama Code of 1940.

Section 3. Notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in every county of the State in which a newspaper is published, and in every county in which no newspaper is published a copy of such notice shall be posted at the courthouse for four successive weeks next preceding the day appointed for the election.

At 12:05 P. M., Mr. Boutwell moved that the Senate take a recess until 1:30 o'clock, which motion was lost.

Yeas 5; Nays 16.

Yeas:

Messrs.:	Cater	Coleman	Quarles	
Boutwell	Clayton			—5

Nays:

Messrs.:	Gulledge	Johnston	Patterson	
Allen	Hardwick	Kendall	Russell	
Barrett	Harvey	Kimbrell	Summerlin	
Burnside	Howle	Lamberth	Swift	
Gaither				—16

NOTICE TO AMEND RULES

Mr. Hardwick offered the following notice in writing: "Notice is hereby given in accordance with Rule 49 that on the next legislative day a motion will be made to amend Rule 34 to read as follows:

"The Senate may at any time by a majority of the members elected adopt a special rule that debate on a pending measure or proposition shall cease at a certain hour and a vote be taken thereon; the consideration of such special rule shall not exceed thirty minutes, when a vote shall be taken thereon."

HARDWICK.

Which was read and ordered spread upon the Journal.

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT THE SUPREME COURT OF ALABAMA

August 10, 1950

To the Senate of Alabama,
Montgomery.

Sirs:

In response to Senate Resolution No. 8 we submit the following:

Your first question is answered No, and your second question is answered Yes.

Section 284, as amended, of the Constitution of Alabama of 1901 provides the manner by which amendments to that instrument may be proposed by the Legislature of Alabama. It also provides that "Representation in the Legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments."

The power to propose amendments to the Constitution is not inherent in the legislative department, and in the absence of a provision in the Constitution conferring such power on the legislature, it has no capacity thus to initiate amendments. Where, however, by the Constitution, the legislative department is authorized to submit amendments to the Constitution, its authority in that regard is restricted only by the limitations contained in that instrument and by the prohibitions of the Federal Constitution.—16 Corpus Juris Secundum, page 37, section 9; Johnson v. Craft, 205 Ala. 386, 87 So. 375. See, Collier v. Frierson, 24 Ala. 100; In re. Opinion of the Justices, 222 Ala. 355, 133 So. 457.

The official proceedings of the Constitutional Convention of 1901 (see Vol. 3, Official Proceedings, Constitutional Convention of 1901, pages 3906-3924) clearly disclose the purpose of the convention to withhold from the legislature the authority to propose amendments to the organic

law which would effectively change the basis of representation in the legislature. Unquestionably, the above quoted provision of section 284, supra, withholds from the legislature the power and authority to initiate amendments to the Constitution which would have the effect of changing the basis of representation in the legislature to other than a population basis.

It is equally clear the proposed amendments 1 and 2 would have the effect of changing the basis of representation in the legislature to other than a population basis.

Respectfully submitted,
/s/JOEL B. BROWN
J. ED LIVINGSTON
THOMAS S. LAWSON
ROBERT T. SIMPSON

August 10, 1950

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

The State of Alabama
City and County of Montgomery

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered from one to two, inclusive, contain a full, true and correct copy of the opinion of a majority of the Justices of the Supreme Court of Alabama rendered on August 10, 1950, in response and answer to request of the Senate of Alabama by Senate Resolution No. 8, as the same appears and remains on record on file in this office.

WITNESS, J. Render Thomas, Clerk of the Supreme Court of Alabama, this the 10th day of August, 1950.

J. RENDER THOMAS,
Clerk of the Supreme Court of Alabama.

OPINION RENDERED

The foregoing opinion rendered by the Supreme Court in response to Senate Resolution 8 was read and ordered spread upon the Journal.

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the unfinished business of yesterday, which was the resolution:

H. J. R. 4. Relative to recess of the Legislature until October 3, 1950 and appointment of Joint Committee to study reapportionment.

As amended by the amendment adopted on the first Legislative day, and pending amendment reported by the Rules Committee, which amendment is set out at length in the Journal of yesterday.

Mr. Hardwick offered the following substitute for the Resolution, H. J. R. 4, as amended and pending amendment to-wit:

WHEREAS, the Governor has called another special session of the Legislature to consider reapportionment measures; and

WHEREAS, during the current quadriennium many reapportioning and re-districting measures have been presented to the Legislature in both regular and special session; and

WHEREAS, it is apparent that none of these measures were satisfactory in view of the unfavorable actions taken on them by the Legislature;

NOW THEREFORE BE IT RESOLVED by the House of Representatives, the Senate concurring, that a committee of twelve members be appointed—six from the House of Representatives to be appointed by the Speaker of the House and six from the Senate to be appointed by the Lieutenant Governor to study this subject in all of its aspects and to report its recommendations to the Legislature.

BE IT FURTHER RESOLVED that this joint committee designate one of its members as chairman and that the committee members be paid the usual per diem only for days actually in attendance, and which days shall be certified by the chairman.

BE IT FURTHER RESOLVED that when the two houses adjourn Monday Aug. 14 they adjourn to meet again on Tuesday, October 10th 1950, at 12 Noon, and during this recess the members, other than those designated in the preceding paragraphs shall receive no compensation.

And said substitute was adopted by the Senate.

And the Resolution, H. J. R. 4, as thus amended was then adopted by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Coleman	Howle	Patterson
Allen	Gaither	Hughes	Quarles
Barrett	Golson	Johnston	Russell
Boutwell	Gulledge	Kendall	Summerlin
Burnside	Hardwick	Kimbrell	Swift
Cater	Harvey	Lamberth	Wright
Clayton	Henderson		

—25

Nays:

—0

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the First Legislative day was approved by the Senate.

ADJOURNMENT

At 3:30 P. M. on motion of Mr. Clayton the Senate adjourned until Monday, August 14, 1950 at 2 o'clock P. M.

THIRD LEGISLATIVE DAY

MONDAY, AUGUST 14, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Dr. W. F. Calhoun, Forest Ave. Methodist Church.

ROLL CALL

Present:

Messrs.:	Cooper	Hooton	Patterson
Allen	Fite	Howle	Patton
Barrett	Gaither	Hughes	Perry
Boutwell	Glover	Johnston	Quarles
Bridges	Golson	Kendall	Russell
Burnside	Guilledge	Kimbrell	Summerlin
Cater	Hardwick	Lamberth	Swift
Clayton	Harvey	Lowe	Wright
Coleman	Henderson	Mize	

—34

JOURNAL

Mr. Russell moved that the reading of the Journal of yesterday be dispensed with, and on objection of Mr. Gaither to dispense with reading of same, the Secretary began the reading at length of the Journal of yesterday.

OATH OF OFFICE

At the request of the President and Presiding Officer of the Senate, and in accordance with Senate Resolution 4, heretofore adopted, Senator-elect C. L. Weathers came forward and was administered the oath of office as prescribed by the Constitution of the State by the President and Presiding Officer of the Senate, and Senator Weathers affixed his signature to the oath of office as follows:

OATH OF OFFICE

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama so long as I continue a citizen thereof, and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter to the best of my ability, So help me God."

C. L. WEATHERS.

RESIGNATION OF COMMITTEE MEMBERS

Mr. Swift resigned as member of the Standing Committee on Constitution and Constitutional Revision and Amendments.

Mr. Patterson resigned as member of the Standing Committee on Finance and Taxation.

COMMITTEE APPOINTMENT

The President and Presiding Officer of the Senate appointed Mr. Weathers to fill the vacancy created by the death of Mr. Owens, on the following Committees:

Chairman—Municipalities and Municipal Organizations.

Vice-Chairman—Immigration, Industrial Resources and Labor.

Member—Constitution and Constitutional Revision and Amendments, Corporations, Local Legislation, Counties and County Boundaries.

At 2:20 P. M. on motion of Mr. Russell, further reading of the Journal of yesterday was dispensed with, and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Messrs. Howle and Kendall:

S. B. 35. To prohibit any justice of the Supreme Court of Alabama from sitting or acting as such in any action or proceeding where he is related to either party or to an attorney or counsel for either party, or to any member of a firm of attorneys which represents or any member of which represents either party by consanguinity or affinity within the third degree, computed according to the rules of the civil law.

Committee on Judiciary.

By Messrs. Kimbrell, Gaither, Barrett and Howle:

S. B. 36. To repeal Act No. 685, approved October 3, 1947, entitled "An Act to amend Section 29 of Title 13, of the Code of 1940."

Committee on Judiciary.

By Messrs. Kimbrell, Gaither, Barrett and Howle:

S. B. 37. To repeal Article 2 of Chapter 2 of Title 13, of the Code of 1940, as amended.

Committee on Judiciary.

By Mr. Kendall:

S. B. 38. Proposing an amendment to the Constitution of Alabama relating to Conecuh County, and ordering an election thereon.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Perry:

S. B. 39. To propose an amendment to the Constitution of Alabama fixing the terms of office and regulating the fees, commissions, allowances, and salaries of certain officers of Marengo County; and ordering an election upon the proposed amendment to be held on the date of the general election next succeeding the final adjournment of the present session of the Legislature.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Harvey:

S. B. 40. Proposing an amendment to the Constitution of Alabama relating to Blount County, and ordering an election thereon.

Committee on Constitution and Constitutional
Revision and Amendments.

The above bill was read a first time at length as required by the Constitution.

By Mr. Boutwell:

S. B. 41. An Act to amend Section 400 of Title 37 of the Code of Alabama of 1940 with respect to the adoption of a seal by a Water Works and Sewer Board and the execution of bonds issued by such Board.

Committee on Banking.

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Dear Sirs:

We are in receipt of Senate Resolution No. 7, adopted by the Senate of Alabama on August 10, 1950, which is as follows:

"Whereas Sections 198, 199, and 200 of the Constitution require the Legislature to apportion the members of the House of Representatives and fix the number of senators and divide the State into as many senatorial districts as there are senators after each federal decennial census, 'which apportionment, when made, shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken'; and

"Whereas, the Code of Alabama of 1940 sets out an apportionment of the members of the House of Representatives and fixes the number of senators and divides the State into as many senatorial districts as there are senators in Title 32, Sections 1 and 2, which sections meet the requirements of Sections 198, 199, and 200 of the Constitution and were enacted into a law which became effective May 31, 1941; and

"Whereas, the decennial census of the United States taken in 1950, the first decennial census of the United States taken since Sections 1 and 2 of Title 32, Code of Alabama (1940), became effective, has not been officially published or the results thereof officially proclaimed; and

"Whereas, there are now pending before the Legislature House Bills 4, 17, and 18 and Senate Bill 7 which are proposed measures relating to reapportionment of legislative representation on the basis of Sections 198, 199, and 200 of the Constitution; now therefore.

"BE IT RESOLVED BY THE SENATE:

"That the Justices of the Supreme Court, or a majority of them, are hereby respectfully requested to give this body their written opinion concerning the following important constitutional question:

"1. Has this Legislature any power or authority to apportion representation in the House of Representatives as provided by Sections 198 and 199 of the Constitution or change the senatorial districts as provided in Section 200 of the Constitution at this special session or any session subsequently convened until after the federal census of 1950 is completed and promulgated by the proper federal authority?"

The form of your inquiry seems to call for an answer based on at least one incorrect premise. It is manifest, therefore, that we should not respond to the question in the form that it is presented.

We think your inquiry presents a number of questions, which we will treat separately.

First: May the legislature apportion representation in the house of representatives, as provided by §§ 198 and 199 of the Constitution, or change the senatorial districts, as provided in § 200 of the Constitution, in a special or extraordinary session called by the Governor for such purposes?

We answer that question in the affirmative. For an excellent discussion of this question see *People ex rel. Carter v. Rice*, Secretary of State, etc., 135 N. Y. 473, 31 N. E. 921.

Second: Is the duty and authority to apportion representation limited to the first session of the legislature after a decennial census of the United States has been taken and ascertained?

We answer that question in the negative. The legislature by a mere omission to perform its constitutional duty at a particular session cannot thereby prevent for another ten years the apportionment provided for by the Constitution. The duty is a continuing one and, if it is not discharged at or within the time prescribed, the duty rests upon succeeding general assemblies.—*Rumsey v. People*, 19 N. Y. 41; *People ex rel. Carter v. Rice*, Secretary of State, *supra*; *Fergus v. Kinney*, State Treasurer, 333 Ill. 437, 164 N. E. 665; *People ex rel. Woodyatt v. Thompson*, County Clerk, 155 Ill. 451, 40 N. E. 307.

Third: Has there been an apportionment of legislative representation since the 1940 census of the United States was taken and ascertained, so as to preclude further apportionment until the 1950 census of the United States has been taken and ascertained?

We answer that question in the negative. True, only one apportionment is contemplated during the ten-year period that a given census enumeration is in effect.—*Denney, Clerk of Court et al. v. State ex rel. Basler*, 144 Ind. 513, 42 N. E. 929. But there has been no such apportionment within the meaning of §§ 198-201 of the Constitution of 1901 since the 1940 census of the United States was taken and ascertained.

The 1940 Code, which became effective on May 31, 1941, which date we assume was subsequent to the time the 1940 census was taken and ascertained, does divide the representation of the legislature among the several counties and senatorial districts.—§§ 1 and 2, Title 32, Code 1940.

The provisions of §§ 1 and 2, Title 32, Code 1940, are in the exact language of §§ 1507 and 1508 of the Code of 1923, which sections are in the exact language of §§ 900 and 901 of the Code of 1907. The apportionment provided for in §§ 900-901 of the Code of 1907 is the same that was provided in §§ 202 and 203 of the Constitution of 1901, except in the following respects: Section 202 of the Constitution provided for only 105 members of the house of representatives. In 1903, Houston County was created out of the counties of Henry, Dale and Geneva.—*Gen. Acts 1903*, p. 44. Under the provisions of § 50 of the Constitution, the newly created county of Houston became entitled to one representative. Therefore, § 900 of the Code of 1907 provided in effect that there should be 106 members of the house of representatives and that Houston County should be entitled to one representative. Section 901 of the Code of 1907 shows that the newly created county of Houston became a part of the thirty-fifth senatorial district, which, under the provisions of § 203 of the Constitution, consisted only of Henry County.

We judicially know that the population of the various counties of this state has changed during the years which have intervened since the Constitution of 1901 was adopted, so that the representation as provided in §§ 1 and 2 of Title 32, Code 1940, cannot be said to be on a population basis. The contention is without merit that by bringing forward into the Code of 1940 the provisions of previous Codes as to the division or apportionment of representation in this state constitutes apportionment of the representation of the legislature within the purview of §§ 198-201 of the Constitution of 1901. This is clearly distinguishable from the case of *Butler v. Democrat State Committee*, 204 Ark. 14, 160 S. W. 2d 494.

Fourth: May the present special session of the legislature apportion the representation of the legislature on the basis of the 1950 federal census, or would any such action have to be based on the 1940 federal census?

If the 1950 federal census has been taken and ascertained within the meaning of §§ 198-200 of the Constitution of 1901, then, of course, apportionment should be based on that census; if not, it may be based on the 1940 federal census.

We are without such information as would enable us to say that we take judicial knowledge that the 1950 federal census has become final as to all the counties in this state. As long as the enumerations which have been made in any of the counties in this state remain tentative, then we do not think that apportionment could be made on the basis of the 1950 federal census.

True, we judicially know that work has been done to the end that the 1950 federal census be taken in this state. But we cannot say in this advisory opinion that it has proceeded to such a point that an apportionment may be made thereon at this time.

Respectfully submitted,

/s/JOEL B. BROWN

Associate Justice

J. ED LIVINGSTON

Associate Justice

THOMAS S. LAWSON

Associate Justice

ROBERT T. SIMPSON

Associate Justice

August 14, 1950

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA

The State of Alabama
City and County of Montgomery

I, J. Render Thomas, Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing pages numbered from one to five, inclusive, contain a full, true and correct copy of the opinion of a majority of the Justices of the Supreme Court of Alabama rendered on August 14, 1950, by said Justices of the Supreme Court of Alabama, in response and answer to request of the Senate of Alabama by Senate Resolution No. 7, as the same appears and remains on record on file in this office.

WITNESS, J. Render Thomas, Clerk of the Supreme Court of Alabama, this the 14th day of August, 1950.

J. RENDER THOMAS,

Clerk of the Supreme Court of Alabama.

OPINION RENDERED

The foregoing opinion rendered by the Supreme Court, under Senate Resolution 7, was read and spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Pfleger:

H. J. R. 12. Whereas, the great steel manufacturing industries of Alabama and the extensive coal producing areas of the state are of vital importance to the national defense of this country. And

Whereas, the future efficiency of these great industries as well as other segments of Alabama's commercial, industrial and agricultural life depend on the use of Mobile and supporting transportation facilities. And

Whereas, the Warrior-Tombigbee-Mobile waterway connecting the Birmingham, Bessemer, Fairfield areas via Tuscaloosa and Demopolis with the Port of Mobile is one of the state's most important transportation facilities. And

Whereas, this waterway has been navigated through the use of locks and dams for more than fifty years and although commerce of this waterway is steadily increasing the facilities in many places have become obsolete and are dilapidated. And

Whereas, the United States Congress has authorized the United States Army Engineers to make a preliminary survey of the navigation facilities in this waterway to determine whether or not an extensive survey should be made as to the facilities which would be needed for the complete modernization of this waterway. Now therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Army Engineers are earnestly requested to undertake the early and complete modernization of the Warrior-Tombigbee-Mobile Waterway connecting central and north Alabama with the Port of Mobile.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Johnston, the Rules were suspended, and the Resolution, H. J. R. 12 set out in the foregoing message from the House was concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kimbrell:

S. 34. Proposing an amendment to the Constitution of Alabama relating to Fayette County, and ordering an election thereon.

The above bill was read a second time at length as required by the Constitution.

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 10. To provide further regulations governing the administration of pardons and paroles and the remission of fines and forfeitures; providing for the employment of a Parole Clerk and making an appropriation for the payment of his salary.

By Messrs. Henderson and Clayton:

S. 9. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector; ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature; and making an appropriation to pay the expenses of holding the election.

The above bill was read a second time at length as required by the Constitution.

By Mr. Gullledge:

S. 18. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load

of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

By Mr. Allen:

S. 3. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

By Mr. Allen:

S. 4. To provide legal counsel for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

Mr. Cooper, Chairman of the Standing Committee on Temperance reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 25. To amend Section 73 of Title 29 of the Code of Alabama (1940) which relates to unlawful sites for liquor stores.

By Mr. Gullledge:

S. 24. To make it unlawful to sell any spirituous, vinous, or other alcoholic beverage, except malt or brewed beverages, in any place except stores operated by the Alabama Alcoholic Beverage Control Board; provide for the purchase by the Alabama Alcoholic Beverage Control Board of any stock in the hands of dealers when this Act becomes effective.

MOTION IN WRITING

Mr. Clayton offered the following motion in writing:

"I move that the Senate request the House to return to the Senate H. J. R. 4, for further consideration."

CLAYTON.

At 3:03 P. M. on motion of Mr. Coleman the Senate took a Recess for fifteen minutes.

Yeas 21; Nays 11.

Yeas:

Messrs.:	Coleman	Hughes	Patterson
Allen	Cooper	Johnston	Patton
Boutwell	Glover	Kendall	Quarles
Bridges	Golson	Lowe	Weathers
Cater	Hardwick	Mize	Wright
Clayton	Henderson		

—21

Nays:

Messrs.:	Harvey	Kimbrell	Russell
Barrett	Hooton	Lamberth	Summerlin
Fite	Howle	Perry	Swift

—11

The Recess period having expired, the Senate was called to order by Lieutenant-Governor Inzer.

Mr. Patterson moved to lay on the table the motion offered by Mr. Clayton, and the motion to table was lost.

Yeas 11; Nays 23.

Yeas:

Messrs.:	Gaither	Howle	Mize
Barrett	Gulledge	Kimbrell	Patterson
Fite	Harvey	Lamberth	Perry

—11

Nays:

Messrs.:	Clayton	Henderson	Patton
Allen	Coleman	Hooton	Quarles
Boutwell	Cooper	Hughes	Russell
Bridges	Glover	Johnston	Swift
Burnside	Golson	Kendall	Weathers
Cater	Hardwick	Lowe	Wright

—23

The question then recurred on the motion of Mr. Clayton and said motion was adopted by the Senate.

Yeas 22; Nays 11.

Yeas:

Messrs.:	Clayton	Hooton	Quarles
Allen	Coleman	Hughes	Russell
Boutwell	Glover	Johnston	Swift
Bridges	Golson	Kendall	Weathers
Burnside	Hardwick	Lowe	Wright
Cater	Henderson	Patton	

—22

Nays:

Messrs.:	Fite	Harvey	Lamberth
Barrett	Gaither	Howle	Mize
Cooper	Gulledge	Kimbrell	Patterson

—11

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Brassell, Thompson (Crenshaw), Evans, Busby, Coburn, Gillis, Black, Broadwater, Dyar, Merrill, Shelton, McDanal, Still, Pinson, Dobbs (Fayette), Hankins, McDonald, Bush, Howell, Ramey, Cox, Benford, Crocker, Roberts, and Cole:

H. 10. To fix and provide for the payment of expenses to be allowed legislators, other than actual expenses of traveling, pursuant to Amendment LVII of the Constitution, making the Act retroactive to July 30, 1950.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 10. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Weaver:

H. 19. To repeal an act entitled "An Act To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; to provide for a secretary and treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama." approved September 5, 1939, (Act No. 333, H. 815, Mayhall; Local Acts, 1939, pages 221-225); to create and establish a Board of Revenue for Winston County, Alabama, to be composed of five members, one of whom shall be chairman; to invest said Board of Revenue with exclusive jurisdiction, authority, and power over public roads and bridges and over public road and bridge funds in and for said county; to define the powers, jurisdiction, authority, duties, and responsibilities of said Board of Revenue and its members (including its chairman) to divide Winston County into five civil districts; to provide for the election of one member of said Board of Revenue from each of said civil districts at the general election to be held in November, 1956, and every six years thereafter; to provide for the filling of vacancies in said offices by appointment by the Governor of Alabama; to provide that the members of the Winston County Highway Board as constituted at the time of the passage of this act shall constitute the members of said Board of Revenue until the first Tuesday after the second Monday in January, 1957, and until their successors are elected and qualified; to fix the qualifications of the members and chairman of said Board of Revenue; to fix the term of office of said members at six years, such terms to begin on the first Tuesday after the second Monday in January of the year 1957 and every sixth year thereafter; to fix the compensation of the members and chairman of said board at the same rate which has heretofore been provided for the members of the Winston County Highway Board until the first Tuesday after the second Monday in January, 1951, after which date the compensation of each member, including the chairman, shall be \$225.00 per month; to provide where the members of said Board shall reside during their terms of office; to provide the times when said board shall meet; to provide for a Secretary and Treasurer of said Board to be appointed by said Board, and to define his duties and fix his compensation at the same rate which has heretofore been provided for the Secretary and Treasurer of the Highway Board of said County, until the first Tuesday after the second Monday in January, 1951, after which date such salary shall be \$175.00 per month; to regulate purchase made by said Board of Revenue, and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

NOTICE

Notice is hereby given that application will be made to the Legislature of Alabama, at the next special called session of 1950, for the passage of a local act, in and for Winston County, Alabama, in substance as follows:

A BILL
TO BE ENTITLED
AN ACT

To repeal an act entitled "An Act To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; to provide for a secretary and treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama," approved September 5, 1939, (Act No. 333, H. 815, Mayhall; Local Acts, 1939, pages 221-225); to create and establish a Board of Revenue for Winston County, Alabama, to be composed of five members, one of whom shall be chairman; to invest said Board of Revenue with exclusive jurisdiction, authority, and power over public roads and bridges and over public road and bridge funds in and for said county; to define the powers, jurisdiction, authority, duties, and responsibilities of said Board of Revenue and its members (including its chairman) to divide Winston County into five civil districts; to provide for the election of one member of said Board of Revenue from each of said civil districts at the general election to be held in November, 1956, and every six years thereafter; to provide for the filling of vacancies in said offices by appointment by the Governor of Alabama; to provide that the members of the Winston County Highway Board as constituted at the time of the passage of this act shall constitute the members of said Board of Revenue until the first Tuesday after the second Monday in January, 1957, and until their successors are elected and qualified; to fix the qualifications of the members and chairman of said Board of Revenue until the first Tuesday after the second Monday in January, 1957, and until their successors are elected and qualified; to fix the compensation of the members and chairman of said board at the same rate which has heretofore been provided for the members of the Winston County Highway Board until the first Tuesday after the second Monday in January, 1951, after which date the compensation of each member, including the chairman, shall be \$225.00 per month; to provide where the members of said Board shall reside during their terms of office; to provide the times when said board shall meet; to provide for a Secretary and Treasurer of said Board to be appointed by said Board, and to define his duties and fix his compensation at the same rate which has heretofore been provided for the Secretary and Treasurer of the Highway Board of said County, until the first Tuesday after the second Monday in January, 1951, after which date such salary shall be \$175.00 per month; to regulate purchase made by said Board of Revenue, and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

PUBLISHER'S AFFIDAVIT

STATE OF ALABAMA
WINSTON COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Jay Thornton, who after being duly sworn deposes and says:

My name is Jay Thornton. I am editor and publisher of The Haleyville Advertiser, a newspaper of general circulation, published weekly in Haleyville, Winston County, Alabama. The copy of publication hereto attached was published in said paper for 4 consecutive weeks, the first copy of said notice appearing in the issue of said paper published on the 14th day of July, 1950, and the last copy of said publication appearing in the said paper on the 4th day of August, 1950.

JAY THORNTON.

Sworn and subscribed to before me this 7 day of Aug., 1950.

R. J. THORNTON,
Notary Public.

My Commission expires July 21, 1954.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 19—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Ingalls:

H. 14. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Also:

By Mr. Ingalls:

H. 15. To provide legal counsel for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing message from the House were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 14 and 15—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Gibson and Meeks:

H. 13. Relating to the taxation of property owned and used by colleges: To exempt from taxes all property owned and used by colleges for housing students, faculty members or other employees of such colleges, and to exempt property owned by colleges for enlargement of campus or for new campus.

Also:

By Messrs. Beatty and Adams (Dale):

H. 20. To authorize the Commissioner of Public Welfare to make or have made photographic reproductions of books, records, papers, or other documents required to be maintained or kept by the Department of Public Welfare or any subdivision thereof; and to authorize the Commissioner to dispose of any such books, records, papers, or other documents so photographed; and to provide that such photographs shall be retained in lieu of such documents; to provide that such photographic reproductions shall have the force and effect of the documents themselves, and to provide for the admission as evidenced by duly certified photostatic copies or other copies of the original microfilms, photostats, or other similar photographs; to provide for the repeal of all laws in conflict with this act; and to provide for the severability of the provisions of this act in the event that any part is declared to be null or void; and to provide the effective date of this act.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 13—To the Committee on Judiciary.

H. B. 20—To the Committee on Public Welfare and Correctional Institutions.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Evans:

H. 9. To amend Section 7 of Act 1, H. 46, approved May 22, 1945 (General Acts, 1945, p. 4), relating to the State Oil and Gas Board.

Also:

By Mr. Miller:

H. 21. To amend Section 197, Title 52, Code of Alabama 1940, to provide for employees in school building operation, maintenance, or clerical work not connected directly with teaching or supervision of instruction to take their vacations during any time of the year which is convenient to the board of education.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing message from the House were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 9—To the Committee on Finance and Taxation.

H. B. 21—To the Committee on Education.

RESOLUTIONS

Mr. Lowe offered the following Senate Joint Resolution to-wit:

S. J. R. 9. WHEREAS Alabama Agricultural and Mechanical College for Negroes, Normal, Alabama, is commemorating its seventy-fifth anniversary, is a Class A accredited college by the Southern Association of Colleges and Secondary Schools, and is the state land-grant college for Negroes, and

WHEREAS the late William Hooper Councilll founded this school as a State Normal School and served as its President for thirty-four years, giving it much direction in its growth to serve his race and all of the people of Alabama, and

WHEREAS the present President, Dr. J. F. Drake, has served the school as President for twenty-three years,

NOW THEREFORE BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. That we do recognize the contributions of the Alabama Agricultural and Mechanical College for Negroes, and especially take notice of the seventy-fifth anniversary of this College, and

2. That we express our appreciation to Dr. J. F. Drake and to his associates for their leadership and untiring efforts for the best development of the College for the people of this race and for their efforts to make the maximum contributions to the harmonious development of all of the people of this State.

The Rules were suspended and the Resolution adopted by the Senate.

Mr. Henderson offered the following Senate Resolution, to-wit:

S. R. 10. Be it resolved by the Senate of Alabama, That the Justices of the Supreme Court, or a majority of them, are hereby respectfully requested to give this body their written opinion concerning the following important constitutional questions:

1. Does the Legislature have the power within the meaning of Section 284 of the Constitution to submit to the voters of this State a constitutional amendment providing for representation in the Legislature on a population basis?

2. Do amendments 1, 2 and 3 as set forth in the attached bill which is incorporated herein and made a part hereof provide for representation in the Legislature on a population basis within the meaning of Section 284 of the Constitution?

Be it resolved further, That the Justices are requested to return their opinions to the Secretary of the Senate, whether this body be then in session or not, and the Secretary shall cause the same to be incorporated in the Journal.

The Rules were suspended and the resolution adopted by the Senate.

A BILL
TO BE ENTITLED
AN ACT

Proposing amendments to the Constitution relating to the Legislature and legislative representation.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendments to the Constitution of Alabama are hereby proposed, to become valid when ratified as required by Article XVIII of the Constitution and upon proclamation by the Governor, to-wit:

1. The Legislature of Alabama shall be composed of a Senate and a House of Representatives, the members of each of which shall be elected from legislative districts whose boundaries shall be coextensive with the boundaries of the several congressional districts of the State as now existing or as hereafter created, which districts shall be as nearly equal to each other in the number of inhabitants in them as may be. The boundaries of congressional districts when fixed shall be so fixed that no county shall be divided between two districts, no district shall be made up of two or more counties not contiguous to each other, and all districts shall be as nearly equal in population and as compact as is practicable.

2. The House of Representatives shall be composed of eleven members elected from each legislative district having a population of three hundred fifty thousand (350,000) or more, ten members elected from each district having a population of more than three hundred thousand (300,000) and less than three hundred fifty thousand (350,000), and nine members elected from each district having a population of three hundred thousand (300,000) or less; provided, no county shall have or elect more than six representatives. One representative shall be nominated by the qualified electors of each county composing the district and be elected by the electors of the district at large, and the remainder, if any, shall be nominated and elected by the qualified electors of the district at large.

3. The Senate shall be composed of four senators elected at large from each legislative district having a population of three hundred fifty thousand (350,000) or more, three senators elected at large from each district having a population of more than three hundred thousand (300,000) and less than three hundred fifty thousand (350,000), and two senators elected at large from each district having a population of three hundred thousand (300,000) or less, except in the case of one county constituting a separate district, which shall elect two senators. In the event two or more candidates for senator are residents of the same county only the candidate from that county receiving the highest number of votes shall be eligible to nomination or election to the Senate, except in the case of one county constituting a separate district as aforesaid.

4. The Legislature shall convene in regular sessions on the first Tuesday in May of 1955 and each second year thereafter. The Legislature shall not remain in session longer than one hundred consecutive calendar days, including Sundays, and shall not meet for less than three legislative days each week. Special sessions of the Legislature may be convened in the manner provided by this Constitution only for an emergency arising since the preceding adjournment, and shall not continue for longer than one hundred consecutive calendar days, including Sundays. The Legislature shall not meet for less than three legislative days each week during a special session.

5. Members of the Legislature shall receive an annual salary, to be fixed by the Legislature at a sum not to exceed three thousand dollars per annum, which shall be in lieu of all other compensation, per diem, mileage, or other allowances, and shall be paid in equal monthly installments.

6. Article IX of the Constitution is hereby superseded and repealed. The senators and representatives provided for herein shall be elected at the general election in 1954 and every fourth year thereafter.

Section 2. An election upon the proposed amendments is ordered to be held on the first Tuesday after the expiration of three months from the final adjournment of this session of the Legislature. The election

shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Alabama Code of 1940.

Section 3. Notice of the election and of the proposed amendments shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in every county of the State in which a newspaper is published, and in every county in which no newspaper is published a copy of such notice shall be posted at the courthouse for four successive weeks next preceding the day appointed for the election.

MESSAGE FROM THE HOUSE

Mr. President:

The House has directed me to inform the Senate that the House respectfully refuses to return to the Senate for further consideration H. J. R. 4.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following resolution:

H. J. R. 4. Relative to adjourning today, August 14th, and meeting again on October 10, 1950, at 12 Noon.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 4. Relative to appointing a Committee from the House and Senate to study the subject of reapportionment, and report its recommendations to the Legislature on October 10, 1950.

H. J. R. 12. Relative to requesting the Army Engineers to undertake the early and complete modernization of the Warrior-Tombigbee-Mobile Waterway connecting central and North Alabama with the Port of Mobile.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Roberts:

H. J. R. 15. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that H. J. R. 4 be named the McGowin-Morring Resolution.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution H. J. R. 15, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTION

Mr. Coleman offered the following Senate Joint Resolution to-wit:

S. J. R. 11. Be it Resolved by the Senate, the House concurring, that House Joint Resolution Number 4 is hereby repealed.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

Pursuant to and in accordance with H. J. R. 4, the Speaker of the House has appointed as a Committee on the part of the House Messrs. McGowin, Merrill, Roberts, Garrett, Adams (Jefferson) and Benford.

R. T. GOODWYN, JR.,
Clerk.

APPOINTMENT OF SENATE COMMITTEE

In accordance with the Provisions of H. J. R. 4, the President and Presiding Officer of the Senate, appointed Messrs. Allen, Russell, Hardwick, Coleman, Quarles, and Clayton as Committee on part of the Senate.

At 4:35 P. M. Mr. Lowe moved that the Senate adjourn until October 10, 1950 at 12 o'clock noon, which motion was lost.

Yeas 11; Nays 24.

Yeas:

Messrs.:	Coleman	Henderson	Lowe	
Cater	Glover	Hughes	Quarles	
Clayton	Golson	Johnston	Wright	—11

Nays:

Messrs.:	Fite	Howle	Patton	
Allen	Gaither	Kendall	Perry	
Barrett	Gulledge	Kimbrell	Russell	
Boutwell	Hardwick	Lamberth	Summerlin	
Bridges	Harvey	Mize	Swift	
Burnside	Hooton	Patterson	Weathers	—24
Cooper				

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Jour-

nals of the Senate for the Second and Third Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journals of the Senate for the Second and Third Legislative Days approved by the Senate.

ADJOURNMENT

At 4:50 P. M. on motion of Mr. Hardwick, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, October 10, 1950 at 12 o'clock noon.

FOURTH LEGISLATIVE DAY

TUESDAY, OCTOBER 10, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Dr. W. F. Calhoun, Forest Avenue Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Fite	Howle	Patton
Allen	Gaither	Hughes	Perry
Barrett	Glover	Kendall	Quarles
Boutwell	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Weathers
Coleman	Henderson	Patterson	Wright
Cooper	Hooton		

—33

JOURNAL

On motion of Mr. Cater, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

THE STATE OF ALABAMA DEPARTMENT OF STATE CERTIFICATE OF ELECTION

I, Sibyl Pool, Secretary of State, in accordance with the provisions of Section 205 of Title 17 of the Code of Alabama of 1940, do hereby certify as shown by the returns of election on file in this office, the following were elected at the Special Election held in this State on Tuesday, August 8, 1950:

J. A. Crook.....House of Representatives from Bullock County,
Place No. 2.
Frank Hardy.....House of Representatives from Dallas County,
Place No. 2.

Horace T. Armstrong House of Representatives from Jackson County,
Place No. 2.

Sydney Pflieger..... House of Representatives from Mobile County,
Place No. 1.

C. L. Weathers..... State Senator from the 5th Senatorial District

Thomas A. Johnston, III... State Senator from 33rd Senatorial District

WITNESSED MY HAND this the 15th day of August, 1950.

SIBYL POOL,
Secretary of State.

The foregoing communication from the Secretary of State, was read and ordered spread upon the Journal.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced severally read one time and referred to appropriate standing committees, as follows:

By Mr. Howle:

S. B. 42. For the relief of Mrs. Harry S. Parker as compensation for the death of her husband, Harry S. Parker, deceased, of Calhoun County, Alabama, as the result of injury received while he was in the line of and performing his duties as a road employee of Calhoun County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Take notice that at the next session of the Legislature of the State of Alabama, or any adjourned session thereof, a bill will be introduced as follows:

An act for the relief of Mrs. Harry S. Parker as compensation for the death of her husband, Harry S. Parker, deceased, of Calhoun County, Alabama, as the result of injury received while he was in the line of and performing his duties as a road employe of Calhoun County, Alabama.

Be It Enacted by the Legislature of Alabama:

Sect. 1. That the County Commission of Calhoun County, Alabama be, and it is hereby authorized to pay to Mrs. Harry S. Parker the sum of Two Thousand Dollars (\$2,000.00) as compensation to her and the minor children of Harry S. Parker for the death of her husband, Harry S. Parker, which occurred on December 29, 1949 as the result of injury received by him while working as an employe of said County, and while in the line of and performing his duties as an employe of the Road Department of Calhoun County, Alabama, said injury and death occurring under such circumstances that said widow and said minor children have no recourse at law to recover damages or compensation for his death.

Sect. 2. That the County Commission of Calhoun County, Alabama be, and it is hereby empowered and authorized to pay such compensation to Mrs. Harry S. Parker out of the general fund of Calhoun County, Alabama.

Sect. 3. That this act shall take effect immediately upon its passage and approval, or upon its otherwise becoming law.

Aug. 23-30; Sept. 6-13

Personally appeared before me Ralph W. Callahan, who, being duly sworn, makes oath that he is Business Manager of The Anniston Star, a

daily newspaper published in Anniston, Ala., and that the attached notice was published on the following dates: August 23-30; September 6-13, 1950.

RALPH W. CALLAHAN.

Sworn to and subscribed before me this 14th day of September, 1950.

CLARA B. WRIGHT,
Notary Public.

By Mr. Wright:

S. B. 43. To amend Title 46, Section 267, Code of Alabama 1940.

Committee on Public Health.

By Mr. Hooton:

S. B. 44. Relating to the nomination and confirmation of officers required to be confirmed by the Senate: Fixing the time in which the Governor must make nominations and submit them to the Senate; prescribing the time which the Senate shall have to act on such nominations; and providing for the expiration of ad interim appointments if not confirmed.

Committee on Judiciary.

By Mr. Hooton:

S. B. 45. Relating to state automobiles: Regulating the type, number, purchase, use, repair and maintenance of automobiles owned and operated by the state, its officers and agencies; providing for the keeping of records concerning such automobiles; providing for the administration of the Act; establishing a revolving fund for the operation of an automobile pool and for the repair and maintenance of state automobiles and making an appropriation therefor; and prescribing penalties for violations of the Act.

Committee on Judiciary.

By Mr. Hooton:

S. B. 46. Relating to powers of committees of the Legislature of Alabama or of either House thereof; empowering legislative committees to investigate any subject respecting which they may desire information in aid of the proper discharge of their functions; providing for the compulsory attendance of witnesses; prescribing penalties for contempts and false swearing.

Committee on Judiciary.

By Mr. Hooton:

S. B. 47. To make a transfer of funds appropriated to the use of the Legislative Reference Service for expenses to the Service's appropriation for salaries.

Committee on Judiciary.

By Mr. Hooton:

S. B. 48. To establish within the Legislative Reference Service a Legislative Fiscal Division, prescribing its powers and duties, and providing for its officers and employees.

Committee on Finance and Taxation.

By Mr. Boutwell:

S. B. 49. To make an appropriation for the painting of the exterior of the State capitol.

Committee on Finance and Taxation.

By Mr. Gulledge:

S. B. 50. To amend Section 100 of Title 52, Code of Alabama (1940), which relates to the qualification and selection of school trustees.

Committee on Education.

By Mr. Henderson:

S. B. 51. To amend Section 619 of Title 51, Code of Alabama (1940), which relates to the privilege or license tax levied on the recordation of mortgages, deeds of trust, conditional sale contracts, and other instruments executed to secure the payment of debts; exempting loans for agricultural purposes from such levy.

Committee on Finance and Taxation.

By Mr. Hughes:

S. B. 52. To fix the salary of the Deputy Solicitor of Geneva County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the following Local Bill affecting Geneva County will be introduced for passage at the Present Extraordinary Session of the Legislature of the State of Alabama which will re-convene on October 10, 1950.

A BILL ENTITLED AN ACT

To Fix the Salary of the Deputy Solicitor of Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Salary of the Deputy Solicitor for Geneva County, Alabama, be and the same is hereby fixed at the sum of Eighteen Hundred Dollars (\$1800.00) per year, payable in monthly installments of One Hundred Fifty (\$150.00) Dollars per month, payable out of the General Funds of Geneva County, Alabama.

Section 2. That all Laws and parts of Laws in conflict with the provisions of this Act are hereby repealed.

Section 3. That this Act shall go into effect immediately upon its passage and approval by the Governor.

47-4tc

STATE OF ALABAMA GENEVA COUNTY

Before me, William J. Holley, a Notary Public, in and for said State and County personally appeared Orsen B. Spivey who being by me first duly sworn, deposes and says: That he is Editor of the Geneva County Reaper, a newspaper published in Geneva, Geneva County, Alabama, which said newspaper has a general circulation in the county in which it is published; that the attached is a true, correct, and complete copy of a legal notice which was published in said newspaper once a week for four consecutive weeks, appearing in the issues of said newspaper published on the 7th day of September, 1950, the 14th day of September, 1950, the 21st day of September, 1950, and the 28th day of September, 1950; that said publication was made without cost to the State of Alabama and that the attached notice of the intention to introduce in the Legislature of Alabama a Local Bill to fix the salary of the Deputy Solicitor of Geneva County, Alabama, was published as aforesaid and that the attached notice appeared in the issues of the Geneva County Reaper on the dates mentioned; and that said newspaper has been mailed under the second class mailing privilege for more than fifty-two consecutive weeks prior to the first publication of the notice hereto attached.

ORSEN B. SPIVEY.

Sworn to and subscribed before me this 2nd day of October, 1950.

WILLIAM J. HOLLEY,
Notary Public.

By Mr. Russell:

S. B. 53. To ratify, confirm and validate the allocation and distribution heretofore made by the State of Alabama Building Commission of the sum of \$65,000.00 to each of the Regional Tuberculosis Sanatoria located in District No. 1 at Decatur, Alabama and in District No. 4, Etowah County, Alabama.

Committee on Finance and Taxation.

By Messrs. Coleman, Fite and Russell:

S. B. 54. To increase the compensation of the State Auditor, the Secretary of State and the State Treasurer to the extent of \$1200.00 per annum.

Committee on Finance and Taxation.

By Mr. Quarles:

S. B. 55. To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling, with like provisions in said city, such State of Alabama taxes as are levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only fifty per cent (50%) of the State levy provided by subdivisions (a), (b) and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to provide the governing body of said city with authority to call and hold an election to submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the City of Selma, Alabama, a municipal corporation will apply for passage of a local law for said City of Selma at the 1950 special session of the Legislature of Alabama called to con-

vene on August 9, 1950 and recessed until October 10, 1950, which local law reads as follows:

A BILL
TO BE ENTITLED
AN ACT

To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling, with like provisions in said city, such State of Alabama taxes as are levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only fifty per cent (50 per cent) of the State levy provided by subdivisions (a), (b), and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to provide the governing body of said city with authority to call and hold an election to submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, as herein provided, may levy, in addition to all other taxes of every kind now imposed by law, and may collect as herein provided, an additional, special privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates, against gross sales, or gross receipts, as the case may be, as follows: (a) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1 per cent) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required by said city on the gross proceeds of retail sales of such

business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevills, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within said city, or any athletic association thereof, or other association whether such institution or association be denominational, a state, a county, or a municipal institution or association or a state, county, or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the City of Selma, Alabama, an amount equal to one per cent (1 per cent) of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in the business of selling any automotive vehicles or truck-trailer or semi-trailer, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1 per cent) of the gross proceeds of the sale of said automotive vehicle, or truck-trailer, or semi-trailer. (d) The tax which may be levied hereunder shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof.

Section 2. The taxes which may be levied, together with the interest and penalties which may be imposed under the authority of this act, shall be a lien upon the property of any person, firm or corporation due said taxes to the City of Selma, Alabama, and all of the provisions of the Revenue Laws of the State of Alabama applying to or with reference to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of the taxes which may be levied hereunder.

Section 3. The taxes which may be levied hereunder shall constitute a debt due the City of Selma for the uses and purposes authorized herein and may be collected by civil suit in addition to the methods provided by law or herein otherwise provided.

Section 4. The taxes which may be levied hereunder shall be collected by and paid to the Treasurer of the City of Selma, Alabama in his official capacity. All reports required to be made to the Commissioner of Revenue of the State of Alabama as to State sales taxes under Section 752 through Section 786, Article Ten of Chapter 20 of Title 51 of the Code of Alabama as to such taxes which may be levied hereunder, shall be made to the Treasurer of the City of Selma, Alabama, in his official capacity and, as to the taxes which may be levied hereunder, the said Treasurer of the City of Selma, Alabama shall have and exercise the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Section 752 through Section 786 and by Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama; and amendments thereto as to State taxes therein levied.

There may be deducted out of the proceeds of said taxes such reasonable expenses for clerk hire and other expenses incurred by the Treasurer of the City of Selma, Alabama in the collection, handling and disbursing

of said monies as may be approved by the governing body of the City of Selma, Alabama.

Section 5. The taxes which may be imposed hereunder shall be in addition to all other licenses and taxes which may be levied by the City of Selma, Alabama, and a condition precedent to engaging in any business which may be taxable hereunder in the City of Selma, Alabama, except as herein otherwise specifically provided.

Section 6. The taxes which may be levied hereunder shall be due and collected at the times and in the manner as set out in Section 752 through Section 786 and in Article Ten of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, and all of the methods and provisions given to the State of Alabama as to the collection of said taxes under the provisions of Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of said Code of Alabama, and amendments thereto, are given hereby to the City of Selma, Alabama and to the Treasurer of the City of Selma, Alabama, for the use of the City of Selma, Alabama, as to the taxes which may be levied hereunder, except as herein otherwise specifically provided.

Section 7. Every person, firm or corporation, association or co-partnership engaged in or continuing within the City of Selma, Alabama in the business for which a license or privilege tax may be required under the authority of this act shall add to the sales price and collect from the purchaser on all sales upon the gross receipts or gross proceeds, of which these shall be levied by the City of Selma under the authority of this act a sales tax at the rate of one per cent (1 per cent) an amount equal to the following: No amount on sales of thirty cents (30c) or less; one cent (1c) on sales of thirty-one cents (31c) and over, but not in excess of One Dollar thirty cents (\$1.30); one cent (1c) additional for each One Dollar (\$1.00) or fraction thereof in excess of One Dollar thirty cents (\$1.30), provided, however, that upon all sales the gross receipts or gross proceeds of which shall be taxed by the City of Selma under the authority of this act at the rate of one-fourth ($\frac{1}{4}$) of one per cent (1 per cent), there shall be added to the sales price and collected from the purchaser by such person, firm, corporation, association or co-partnership described in this act, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1 per cent) of such sales price. It shall be unlawful for any person, firm, corporation, association or co-partnership described in this act to fail or refuse to add to the sales price and collect from the purchaser the amount authorized to be levied by this act to be so added to the sales price and collected from the purchaser; and it shall likewise be unlawful to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption or refund of the amount required to be added to the sales price and collected from the purchaser, or any portion of such amount. Any person, firm, corporation, association or co-partnership who shall violate any of the provisions of this act shall be guilty of a misdemeanor against the City of Selma, Alabama and, upon conviction, shall be fined by the Recorder of the City of Selma, Alabama in a sum of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars, or may be imprisoned in the City Jail for not more than six (6) months or by both such fine and imprisonment, and each act and violation of the provisions of this section shall constitute a separate offense. The provisions of this section that there shall be added to the sales price and collected from the purchaser by the City of Selma, Alabama the amounts provided herein shall in no way relieve the person, firm, corporation, association or co-partnership described in this act of the tax which may be levied by the City of Selma, Alabama under the authority of this Act; nor shall the inability, impracticability, refusal or failure to add to the sales price and collect from the purchaser the amounts provided herein relieve such person, firm, corporation, association or co-partnership from the tax which may be levied by the City of Selma, Alabama under the authority of this act.

Section 8. (a) Seventy-five per cent (75 per cent) of the net revenues arising from the taxes which may be levied by the City of Selma, Alabama under the authority of this act shall be allocated and used exclusively for public school purposes in the City of Selma, and to include the maintenance and operation of public schools and the construction and improvement of public school buildings and grounds and the payment of the salaries of teachers and other school employees, and the purchase of lands to be used for public school purposes.

(b) Twenty-five per cent (25 per cent) of the net revenues arising from said taxes shall be allocated and used exclusively for constructing, maintaining, repairing, operating, expanding and improving the storm water drainage system of said city in said city.

(c) The City of Selma shall have the right and authority to use the net revenues which arise from said taxes under the authority of this act to the payment of indebtedness contracted by the City for public school purposes, including the maintenance and operation of public schools and the construction and improvement of public school buildings and grounds and the payment of the salaries of teachers and other school employees, and the purchase of lands to be used for public school purposes, and also for constructing, maintaining and repairing, operating and improving the storm water drainage system of said city in said city, or to any one or more of these purposes, in the proportions allocated and provided in Section 8 (a) and Section 8 (b) of this act.

Section 9. Any person who shall be subject to legislation which may be hereafter adopted by the governing body of Selma under the authority of this act who shall fail to make the reports or any of them, as required, or who shall fail to keep the records as required, shall be guilty of a misdemeanor against the City of Selma and, upon conviction, shall be fined not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense, and each month of such failure shall constitute a separate offense.

Section 10. Any person who shall be subject to legislation which may be hereafter adopted by the governing body of Selma under the authority of this act who shall willfully refuse to make the reports as required by said city, or who shall refuse to permit the examination of his records by the City of Selma, or its duly authorized agents, shall be guilty of a misdemeanor against the City of Selma, and, upon conviction, shall be fined not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense and, in addition, may be imprisoned in the City Jail for a period of not to exceed six (6) months. Each month of failure to make such reports shall constitute a separate offense and each refusal of a written demand of the City of Selma to examine, inspect or audit such records shall constitute a separate offense.

Section 11. Any person who shall be subject to legislation which may be hereafter adopted by the governing body of Selma under the authority of this act who shall violate any of the provisions of such legislation may be restrained by the City of Selma from continuing in business and the proper prosecution shall be instituted in the name of the City of Selma by its City Attorney until such person shall have complied with the provisions of such legislation.

Section 12. Before any tax is levied under the authority of this act, the governing body of said city shall first submit the question as to whether or not such tax shall be levied, the length of time it shall run, not exceeding twenty (20) years, and the rate of the tax, to the qualified electors of said city at an election, which said election shall be called in the following manner: The governing body of said city shall pass a resolution reciting that, in the opinion of said governing body, it is to the interest of said city that such taxes shall be levied for the purposes authorized in this act and calling upon the Mayor and Clerk of said city, in their official capacities, to call an election for the purpose of submitting to the qualified electors of said city the question as to whether or

not the taxes authorized hereunder shall be levied, stating the rates proposed and the time which the said taxes shall run. Upon such certificate said Mayor and Clerk of said city shall by proclamation, call an election, which proclamation shall be in substance as follows: "To the Electors of the City of Selma, Alabama: The City Council of the City of Selma, Alabama having passed a resolution reciting that it is to the interest of the City of Selma that an additional, special privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, shall be levied as follows: (a) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1 per cent) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required by said city on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevills, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within said city, or any athletic association thereof, or other association whether such institution or association be denominational, a state, a county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the City of Selma, Alabama, an amount equal to one per cent (1 per cent) of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in the business of selling any automotive vehicles or truck-trailer or semi-trailer, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1 per cent) of the gross proceeds of the sale of said automotive vehicle, or truck-trailer or semi-trailer. (d) That the tax which may be levied shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof, for a period of twenty (20) years, and which said resolution requests the undersigned officials to call an election to submit to the qualified electors the aforesaid proposition.

Now, therefore, an election be and is hereby called to be held at the regular polling places in the City of Selma, Alabama on the.....day of....., 19....., at which said election the question as to whether or not the said taxes shall be levied in said city shall be voted upon by the qualified electors of said city.

Witness our hands this the _____ day of _____, 19 _____.

As Mayor

As Clerk

Notice of said election shall be given by publication of the aforesaid proclamation once a week for four (4) consecutive weeks in any newspaper published in Dallas County, Alabama. The said election shall be held, conducted and canvass of the returns made and certified in the same manner as elections for city officers. Except as herein otherwise provided, the general statute relating to the election for city officers shall govern in elections held hereunder. The Mayor of Selma shall cause ballots to be printed and distributed at such election, which said ballot shall be in substance as follows: "Shall an additional special privilege or license tax against the person on account of the business activities in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, be levied as follows: (a) upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1 per cent) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required by said city on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevills, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within said city, or any athletic association thereof, or other association whether such institution or association be denominational, a state, a county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the City of Selma, Alabama, an amount equal to one per cent (1 per cent) of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in the business of selling any automotive vehicles or truck-trailer or semi-trailer, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1 per cent) of the gross proceeds of the sale of said automotive vehicle, or truck-trailer or semi-trailer. (d) The tax which may be levied shall be subject to all exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof, for a period of twenty (20) years, commencing on the _____ day of _____, 19 _____", and under the said above writing shall appear on the left hand side the words "For said tax" with appropriate lines or

brackets marked "Yes," and on the right hand side the words "Against said Tax" with appropriate lines or brackets marked "No," and the person desiring to vote shall indicate his choice by marking a cross mark on the line or bracket opposite or under the words "Yes" or "No", whichever shall indicate his choice. The Mayor and Clerk of said city shall certify the results of said election to the City Council of said city and, if a majority voting at said election shall have voted for such tax, the said City Council may, at its next regular meeting after such certificate is received by it, impose said tax in the amounts and for the time submitted on the ballot.

Section 12. The City of Selma, Alabama may by proper legislation, in the event the taxes authorized to be levied hereunder are levied, allow a discount, not to exceed three per cent (3 per cent) of said taxes and due and payable to said city by any person, firm or corporation licensed under the provisions hereof. Provided, however, that no discount shall be authorized or allowed upon any such taxes which are not paid before delinquency, as in this act provided.

Section 13. Should any section, paragraph or portion of this act be declared unconstitutional, it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 14. This act shall go into effect immediately upon its passage and approval, or its otherwise becoming law.

THE STATE OF ALABAMA THE COUNTY OF DALLAS

Before me, R. Randolph Smith, a Notary Public in and for said County in said State, personally appeared Mrs. F. T. Raiford, who is known to me and who, being first duly sworn, deposes and says as follows:

My name is Mrs. F. T. Raiford. I am Publisher and General Manager of The Selma Times Journal, a daily newspaper published in Selma, Dallas County, Alabama.

Attached hereto is a true copy of a notice published in The Selma Times Journal on the following dates: September 3, 1950, September 10, 1950, September 17, 1950 and September 24, 1950. Said notice was published by the City of Selma, Alabama in conformity with Section 106 of the Constitution of the State of Alabama and pertains to a sales tax for the City of Selma, Alabama.

MRS. F. T. RAIFORD,
Publisher and General Manager,
The Selma Times Journal.

Sworn to and subscribed before me this the 9th day of October, 1950.

R. RANDOLPH SMITH,
Notary Public, Dallas County, Alabama.

My Commission Expires January 3, 1953.

By Messrs. Coleman and Clayton:

S. B. 56. Relating to primary elections; prescribing further regulations governing primary elections; providing a county unit system for the nomination of candidates for election to certain offices.

Committee on Privileges and Elections.

By Mr. Hooton:

S. B. 57. To amend Section 753 of Title 51, Code of Alabama (1940), which relates to the State's sales tax.

Committee on Judiciary.

By Mr. Summerlin:

S. B. 58. Relating to legislative representation; fixing the number of senators and dividing the State into as many senatorial districts as there are senators.

Committee on Judiciary.

By Messrs. Wright and Kendall:

S. B. 59. To fix the salary of the State Superintendent of Education.
Committee on Finance and Taxation.

By Mr. Cater:

S. B. 60. To amend Act No. 500, S. 618, approved August 30, 1949, (Acts of Alabama, 1949, p. 725), which relates to the compensation of Commissioners in cities of a population of 50,000 to 78,500.

Committee on Local Legislation.

REPORTS OF COMMITTEES

Mr. Hooton, Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Patton:

S. 1. To prohibit members of the Legislature from receiving or agreeing to receive, any consideration for procuring any contract, appointive office or place from the State of Alabama or any agent or agency thereof, or for giving any such contract, appointive office or place; prohibiting them from giving, or agreeing to give, any consideration for the procuring of any such contract, appointive office or place; making any such agreements null and void; prohibiting members of the Legislature, with certain exceptions, from accepting any employment, position, or office of profit under the State of Alabama or any agency thereof, or from receiving any consideration, compensation, or profit for any services rendered to the State of Alabama or any agency thereof; and fixing penalties for the violation of the provisions of the Act.

By Messrs. Fite and Kimbrell:

S. 7. Relating to legislative representation; making an apportionment of senators and representatives among the several counties; providing for their election; and repealing conflicting laws.

By Messrs. Coleman, Cooper, Hughes, Quarles, Lowe and Hooton:

S. 15. To amend Section 86 of Title 8 of the Code of Alabama of 1940, which relates to Hunting at night; exception as to fur-bearers.

By Mr. Kendall:

S. 27. To amend Section 5 of Act No. 515, H. 93, approved July 9, 1945 (General Acts of Alabama, 1945, page 734), as amended, which establishes a state employees' retirement system.

By Mr. Patterson:

S. 29. To provide law clerks to be appointed by the Chief Justice and the Associate Justices of the Supreme Court, to prescribe their duties and fix their compensation.

By Mr. Patterson:

S. 30. To amend Article II, Title 13, Sections 31, 32 and 33 of the Code of Alabama of 1940, as amended by Act No. 243 of the 1949 Regular Session of the Legislature, to provide supernumerary judges for courts of record; to prescribe their tenure, duties, powers, fix their compensation, method of payment, and to prescribe the terms and conditions under which members of the Supreme Court and the Court of Appeals and Circuit Judges may become such.

By Mr. Gullledge:

S. 23. To make it a misdemeanor for any state official or employee to use or permit any other person to use a state-owned automobile or other motor vehicle for any purpose other than official state business.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Kendall:

S. 38. Proposing an amendment to the Constitution of Alabama relating to Conecuh County, and ordering an election thereon.

The above bill was read a second time at length as required by the Constitution.

By Mr. Harvey:

S. 40. Proposing an amendment to the Constitution of Alabama relating to Blount County, and ordering an election thereon.

The above bill was read a second time at length as required by the Constitution.

Mr. Hughes, Chairman of the Standing Committee on Banking reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Mr. Boutwell:

S. 41. To amend Section 400 of Title 37 of the Code of Alabama of 1940 with respect to the adoption of a seal by a Water Works and Sewer Board and the execution of bonds issued by such Board.

Mr. Lamberth, Chairman of the Standing Committee on Public Welfare and Correctional Institutions reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

By Messrs. Beatty and Adams (Dale):

H. 20. To authorize the Commissioner of Public Welfare to make or have made photographic reproductions of books, records, papers, or other documents required to be maintained or kept by the Department of Public Welfare or any subdivision thereof; and to authorize the Commissioner to dispose of any such books, records, papers, or other documents so photographed; and to provide that such photographs shall be retained in lieu of such documents; to provide that such photographic reproductions shall have the force and effect of the documents themselves, and to provide for the admission as evidenced by duly certified photostatic copies or other copies of the original microfilms, photostats, or other similar photographs; to provide for the repeal of all laws in conflict with this act; and to provide for the severability of the provisions of this act in the event that any part is declared to be null or void; and to provide the effective date of this act.

IN THE LEGISLATURE

STATE OF ALABAMA

Report of the Joint Recess Committee to Study Reapportionment

October 7, 1950

LETTER OF TRANSMITTAL

October 7, 1950

Lieutenant-Governor J. C. Inzer
President of the Senate
Montgomery, Alabama

Honorable W. M. Beck
Speaker of the House
Montgomery, Alabama

Sirs:

I am transmitting to you the report of the Committee named by you to study reapportionment in Alabama.

The recommendations made are endorsed by a majority of the Committee.

Three members of the Committee could not endorse the recommendations and their views are attached as a separate report.

While agreeing with the majority, Representative Merrill felt a further avenue was open and has asked that his views be made an additional part of the report.

The Legislative Reference Service has provided valuable assistance which the Committee wishes to acknowledge.

A copy of this report has been furnished to each member of the Legislature.

Yours very truly,
EARL M. MCGOWIN,
Chairman.

By Mr. McGowin:

H. J. R. 4. WHEREAS, the Governor has called another special session of the Legislature to consider reapportionment measures; and

WHEREAS, during the current quadrennium many reapportioning and redistricting measures have been presented to the Legislature in both regular and special sessions; and

WHEREAS, it is apparent that none of these measures were satisfactory in view of the unfavorable actions taken on them by the Legislature;

NOW THEREFORE BE IT RESOLVED by the House of Representatives, the Senate concurring, that a committee of twelve members be appointed—six from the House of Representatives to be appointed by the Speaker of the House and six from the Senate to be appointed by the Lieutenant Governor to study this subject in all of its aspects and to report its recommendations to the Legislature.

BE IT FURTHER RESOLVED that this joint committee designate one of its members as chairman and that the committee members be paid the usual per diem only for days actually in attendance, and which days shall be certified by the chairman.

BE IT FURTHER RESOLVED that when the two houses adjourn Monday, August 14th, they adjourn to meet again on Tuesday, October 10th, 1950, at 12 Noon, and during this recess the members, other than those designated in the preceding paragraphs shall receive no compensation.

Approved August 14, 1950.

Time 4:45 P. M.

REPORT OF THE JOINT RECESS COMMITTEE TO STUDY
REAPPORTIONMENT

Following the adoption of H. J. R. 4, the Lieutenant Governor appointed James B. Allen, Preston C. Clayton, James S. Coleman Jr., W. G. Hardwick, George P. Quarles, and Noble J. Russell as members of

the Committee on the part of the Senate, and the Speaker of the House appointed James G. Adams Jr., J. J. Benford, W. W. Garrett, Earl M. McGowin, Pelham J. Merrill, and E. L. Roberts as members of the Committee on the part of the House.

The Committee held its first meeting on August 14, 1950, the day on which the resolution was adopted, for the purpose of organization. Mr. McGowin was selected by the Committee to serve as Chairman, and Senator Hardwick was chosen Vice-chairman. The Director of the Legislative Reference Service was named Secretary to the Committee.

Further meetings were held on September 7, 8, 16, 17, 28 and 29. The attendance at these meetings was uniformly good.

The Committee adopted procedures which it believed best calculated to carry out its functions and requested the Legislative Reference Service to compile all available data, not only with respect to reapportionment in Alabama, but also in the other States of the Union, and the Federal Congress. This revealed that Alabama is not the only State in which there is a lag in reapportionment. Legislative reapportionment is a chronic problem. The Federal Congress failed to reapportion the House of Representatives after the 1920 census. Apportionment cannot be deemed current in any State except Massachusetts, which was reapportioned in 1948; in Texas which was redistricted within the last two years; in the few states where reapportionment is automatic; and in Georgia and Missouri where new Constitutions were adopted in 1945. Nevertheless the Committee feels that inaction by other states does not excuse the Alabama Legislature in continuing to ignore the clear mandate of our Constitution.

All meetings of the Committee were open to the press and public. It is worthy of note that although this is believed to be the first study of reapportionment problems made by a joint legislative committee created expressly for that purpose since the present Constitution was adopted, no person requested an opportunity to appear before the Committee to advocate or oppose any reapportionment plan, nor did the Committee receive a single communication which indicated that there exists a widespread public demand for reapportionment.

The Supreme Court was in recess during the period the Committee was working and it was considered doubtful whether the Justices would respond to the House and Senate requests for opinions on pending reapportionment bills. The Committee therefore proceeded with its deliberations on the assumption that no further advice from the Justices would be available to it and took the position that any reapportionment bill based on population which the Legislature might pass will be valid if it is reasonable and does not show plainly a gross abuse of legislative discretion.

Three approaches to reapportionment were considered by the Committee.

First. A redistribution of the House seats by statute, in accordance with Article IX of the Constitution, and a redistricting of the State into senatorial districts, also in accordance with Article IX.

Second. Such changes in the constitutional provisions governing legislative representation by constitutional amendment as appeared to be feasible or desirable, provided they did not have the effect of changing the basis of representation in the Legislature to other than a population basis.

Third. A constitutional convention to change the basis of representation to other than a population basis.

The Committee is of the opinion that reapportionment should be brought about by statute, and that no constitutional changes or convention be recommended. There are several obvious reasons for this approach. This is the method contemplated by our Constitution. It is a

simple and direct route. It is inexpensive and immediate. It requires no basic changes in the size of the Legislature or in the territorial units employed for the election of senators and representatives.

In seeking to draft a bill the Committee was compelled to act within the limitations prescribed by the Constitution and the opinions of the Justices construing the pertinent provisions thereof. The Constitution requires that any reapportionment be based on population and yet paradoxically provides that each county must have at least one representative, and that no county may have over one senator. The Justices have held that any reapportionment measure passed prior to the promulgation of the official 1950 census must be based on the 1940 census figures.* The Committee is advised that the 1950 figures will not be made official until the early part of 1951. (See Appendix A).

After consideration of various statutory plans the Committee concluded that the bills on reapportionment introduced in this and previous sessions of the Legislature by Representative Adams of Jefferson County offer the most practical basis for solution of the problem.

The Committee makes the following recommendation:

Redistricting of Senate:

Being mindful of the fact that the Constitution requires that "No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other," and that "districts shall be as nearly equal to each other in the number of inhabitants as may be," it was apparent to the Committee that the Constitution does not contemplate that the Senate be redistricted on a population basis with the same exactitude as the House. We therefore recommend a continuation of the present thirty-five member Senate and a redistricting of the state on the following basis: That the three largest counties shall each constitute a senatorial district. The remaining 64 counties shall be divided into 32 two-county districts, the senator to be elected first from one county and then the other by the voters of both counties, beginning in 1954 with the largest county in the district, except where that county had the last senator. Under this plan no county will be without a senator for more than four consecutive years, and no county will be forced to share its senator with more than one other county.

The Committee recommends the following arrangement of counties into senatorial districts, which arrangement joins wherever possible counties with close political ties and relationships:

1st	7th	13th	19th	25th
Lauderdale	Marshall	Jefferson	Lee	Butler
Limestone	DeKalb		Russell	Lowndes
2nd	8th	14th	20th	26th
Madison	Lamar	Bibb	Mobile	Autauga
Jackson	Pickens	Tuscaloosa		Elmore
3rd	9th	15th	21st	27th
Lawrence	Fayette	Chilton	Henry	Covington
Morgan	Walker	Shelby	Houston	Geneva
4th	10th	16th	22nd	28th
Colbert	Etowah	Chambers	Barbour	Conecuh
Franklin	Cherokee	Randolph	Bullock	Escambia
5th	11th	17th	23rd	29th
Calhoun	Blount	Clay	Crenshaw	Baldwin
Cleburne	Cullman	Coosa	Pike	Monroe
6th	12th	18th	24th	30th
Marion	St. Clair	Macon	Coffee	Choctaw
Winston	Talladega	Tallapoosa	Dale	Washington

*In re Opinions of the Justices, August 1950, MSS.

31st	32nd	33rd	34th	35th
Clarke	Dallas	Greene	Marengo	Montgomery
Wilcox	Perry	Hale	Sumter	

It is felt by the Committee that this arrangement will attain the same result irrespective of whether the 1940 or the 1950 census figures are used. It will thus be possible for the present Legislature to pass a bill redistricting the State in the manner hereinabove outlined without the necessity of waiting for the promulgation of the official 1950 census figures. However, the Committee feels that the over-all solution of the reapportionment problem would be better served if the Senate is redistricted and the House reapportioned at the same time.

Reapportionment of the House of Representatives:

The Committee recommends that the present membership of 106 in the House of Representatives be maintained. In order to comply with the constitutional limitations and requirements regarding reapportionment we recommend that a bracket system be employed which will give to any county in a given population range equal representation with all other counties in that range.

Immediately the question arises whether this suggested bracket system be applied to the 1940 or to the 1950 census figures. As has been pointed out, the official 1950 census figures will not be available until early next year, and if the present Legislature is to reapportion the House on the suggested bracket basis it must necessarily do so on the basis of the 1940 census. Our studies reveal that if the present Legislature desires to reapportion on the basis of the 1940 figures a bracket system substantially as follows would be the best method of achieving the desired result: 1) Counties of under 36,000 population to receive one representative, 2) Counties of a population from 36,000 to 55,000 to receive two representatives, 3) Counties of a population of more than 55,000 and not more than 110,000 to receive three representatives, 4) Counties of a population of more than 110,000 and not more than 140,000 to receive four representatives, 5) Counties of a population of more than 140,000 and not more than 450,000 to receive five representatives, and 6) Counties of a population of more than 450,000 to receive ten representatives. The result of applying these categories is that forty-seven counties are given one representative, eleven counties are given two representatives, six counties are given three representatives, one county is given four representatives, one county is given five representatives and one county is given ten representatives.

The 1950 population estimates indicate that there have been numerous shifts in population among the various counties during the past decade and the use of the 1940 figures will not meet the current situation. Furthermore, the Constitution requires that: "It shall be the duty of the legislature at its first session after . . . each . . . decennial census, to fix by law the number of representatives, and apportion them among the several counties of the state, according to the number of inhabitants in them respectively." This would require that the 1951 Legislature again reapportion the House even if the present Legislature should reapportion on the basis of the 1940 census.

It is not within the power of the present Legislature to take into account the population shifts which have already taken place in the past decade, as it is obvious the official 1950 census figures will not be available to this Legislature. Moreover, in no event can any reapportionment become effective before 1954.

If action is delayed until after the 1950 census has been promulgated, and assuming that the present population estimates will be substantially confirmed by the official figures, the Committee recommends the following bracket classification: 1) Counties of under 40,000 population to receive one representative, 2) Counties of a population from 40,000

to 60,000 to receive two representatives, 3) Counties of a population of more than 60,000 but not more than 130,000 to receive three representatives, 4) Counties of a population of more than 130,000 but not more than 225,000 to receive four representatives, 5) Counties of a population of more than 225,000 but not more than 500,000 to receive five representatives, and 6) Counties of a population over 500,000 to receive ten representatives.

As a result of these classifications forty-seven counties are given one representative, eleven counties are given two representatives, six counties are given three representatives, one county is given four representatives, one is given five, and one is given ten.

Under this plan the smallest number of persons represented by one representative would be 11,771 in Coosa County. In Jefferson County each representative would represent 55,418 people. This is the largest number of people that would be represented by one representative. The next largest number of people per representative would be 45,767 in Mobile County, 39,560 in Chambers County and 39,413 in Colbert County. The smallest number of people per representative in any county with more than one representative would be 20,144 in Russell County. At the present time the number of people per representative ranges from 8,037 in Bullock to 76,278 in Mobile and 79,169 in Jefferson.

The average number of people per representative on the basis of all counties would be 28,799. The average number of people per representative in the counties with more than one representative would be 32,274, whereas the average number in only those counties with two and three representatives would be 24,592. The average number of people per representative in counties having only one representative would be 24,437.

Finally, it is interesting to note the relationship between a county's share of the total population of the State and its share of representation in the House. Jefferson, the largest county, has 18.15% of the State's total population and if given ten representatives it would have 9.43% of the total representation in the House. The smallest county, Coosa, has .38% of the State's total population and if given one representative it would have .94% of the total representation in the House.

The bracket system suggested herein provides for a single apportionment and is not designed as an automatic reapportionment device for use after succeeding decennial censuses. It is obvious that future population changes might necessitate the use of an entirely different bracket system in order to maintain the present membership of the House.

Respectfully submitted:

JAMES G. ADAMS JR.
JAMES B. ALLEN
J. J. BENFORD
W. W. GARRETT
W. G. HARDWICK
EARL M. MCGOWIN
E. L. ROBERTS
NOBLE J. RUSSELL

MINORITY REPORT

The undersigned members of the Joint Committee appointed under H. J. R. 4, approved August 14th, 1950, are unable to concur in the opinion and recommendations of the majority, and therefore feel compelled to set down for whatever it might be worth, the reasons for their dissent.

Argument is made that certain counties are deprived of representation in the Legislature under the present distribution of House and Senate seats. Actually, no county has been deprived of representation.

All counties have exactly the same representation which they had in 1901, except Houston and Henry counties. The area in these two counties has gained in representation, and now has three House seats. In 1901 this area had only two House seats.

It is significant that not a single person has appeared before the Joint Committee at any meeting to argue for or against a redistribution of House or Senate seats. Our information is that no person requested to appear. This fact argues that there is no great desire for redistribution of seats; in fact, it indicates there is little interest in the matter; and certainly that no emergency exists in this regard.

Argument is made for equality of representation. Exactly equal representation can be achieved in one way alone. That would be to elect all Representatives and all Senators from the State at large. In that way every elector's vote would be given exactly equal weight. Nobody proposes that this method be adopted. Under any other method there could not be absolute equality of representation.

The vital political principle which requires districting of a State for the purpose of electing members of the Legislature is recommended by the wisdom and justice of giving, as far as possible, to the local subdivisions of the people a due influence in the choice of representatives, so as not to leave the aggregate minority of the people, perhaps approaching a majority, to be wholly overpowered by the combined action of the numerical majority, without any effective voice whatever in the legislative councils.

The peculiar glory of constitutional government in the United States and in Alabama is not, as is so often mistakenly supposed, the principle of majority rule. In any government by freely elected officers the majority is going to rule and impose its will, except where its power is limited to protect a minority. In the limitation of the power of the majority, and in the protection of the minority who dare to be different, lies the peculiar glory of constitutional government as it has thus far endured in America. When the protection of those who dare to disagree is removed, then we will be no longer a free people. The only choice will be to vote "Ja."

In Alabama, in the light of history, and in the light of contemporary manifestations by a certain majority of the people of these United States to impose on the Southern States alien and distasteful practices and procedures, it would ill become the Legislature of a sovereign State to ignore or diminish the salutary protections existing for the minority of its own people.

A study of legislative representation in other States reveals that the same problem exists in substantially all the other States. In nearly all States during the last fifty years people have left the country and moved to the city. That has happened in Alabama. The result is, not that metropolitan counties have lost representation in the legislature, but that rural counties have lost all effective voice in state-wide elections. Urban counties have gained overwhelming control in the election of State officers, including the Chief Executive.

Rural counties, losing population, have lost all effective voice in the executive branch of the government. The only branch where rural counties still have an effective voice is the legislative branch.

The change in the economy and in the distribution of population within the four or five decades immediately past is a new thing. It is not the natural continuation of a process hitherto normal in the growth and development of a country. It is the result of the industrial revolution.

Rural counties greatly fear to become voiceless in the State government. In some measure this fear is shared by metropolitan residents who formerly lived, or whose parents lived, in rural communities.

The rule of a State by great population in large cities is new and untried in this State and in this nation. That is the reason the problem of reapportionment exists throughout the United States.

The situation is not static. The population of a great city is unstable in the sense that it is constantly changing. Many people are continually moving from one city to another, from one State to another, not acquiring that sense of belonging to a community or a State as is acquired and felt by people living in rural areas, where their parents and grandparents lived before them, and where they expect their children and grand-children to live after them.

It is this instability of great cities which causes rural communities to be afraid to deliver absolute domination of State government to metropolitan counties. This fear is acknowledged and recognized in the proposal of the majority of the Joint Committee. The majority recommends that the largest county in this State be given only ten House seats. By any mathematical method without an arbitrary ceiling, this county would be given fourteen to seventeen House seats. The majority proposal, with this limit of ten seats to any county, does not, we submit, "apportion" the number of representatives "among the several counties of the State, according to the number of inhabitants in them respectively." Constitution of 1901, Section 199.

The majority recommendation for redistricting for the Senate is an arbitrary grouping of counties, and is not, we submit, a proposal which will "divide the state into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be." Constitution of 1901, Section 200.

A number of other plans are set out in the study prepared for the Joint Committee by the Legislative Reference Service. All these plans set out districts far more nearly equal in population. See Pages 49-58 of said compilation.

These considerations aptly indicate the complexity of the problem. The study of the Joint Committee and the report of the majority indicate that the solution will not be found in mere application of mathematical formulae or political horse trading.

A fundamental consideration has been injected into the problem by the industrial revolution and resulting population upheavals. The problem will not be easily solved by ignoring a fundamental consideration.

Some 21 counties in Alabama made substantial gains in population during the period from 1940 to 1950. Three counties gained a few hundred people. The remaining 43 counties lost. A trend is indicated. Distributing the seats in the Legislature according to the number of inhabitants in the counties, respectively, will, if this indicated trend continues, ultimately result in the 46 small counties having one representative each. Twenty-one large counties, or less, will have acquired absolute domination of the Legislature. When that occurs, the small counties will have lost all effective voice in both the executive and legislative departments of state government.

Reverting again to the principle of minority protection, it is reasonable to argue that if protection is to be lost in one policy making branch of government, then some way ought to be found to balance that loss by protection in the other policy making branch, that is, the executive department.

One method which suggests itself is the adoption of the county unit system of nominating state officers. The county unit system has been basic in Georgia since its first constitution in 1777. The method is simple. In spite of criticism directed towards it by those who ignore the principle of minority protection, the method is much the same as that used to elect the President of the United States. It simply provides that each county shall have two unit votes for each member that county

has in the House of Representatives. The candidate who receives the largest number of popular votes in a county receives that county's entire unit vote. The candidate receiving the state-wide majority of unit votes is declared the nominee.

Such a system in Alabama would give each county a unit vote in proportion to its representation in the House of Representatives. If the small counties are to lose their protection in the Legislature, the county unit system would provide some measure of protection in the election of Governor. On the fundamentals involved, we submit, it merits serious consideration.

In view of the Supreme Court's ruling that action by this Legislature must be based on 1940 census figures, it appears logical that any action whatever on a redistribution of seats would more properly come in 1951, when the official 1950 census figures are available.

Being unwilling, for the reasons we have attempted to set out, to join in the majority report of the Joint Committee, we respectfully submit to the Legislature this report and recommendation in accordance with the Joint Resolution of August 14th, 1950.

Respectfully submitted:

PRESTON C. CLAYTON
JAMES S. COLEMAN JR.
GEORGE P. QUARLES

REPORT OF REPRESENTATIVE PELHAM J. MERRILL

The report of the Committee majority probably represents the most practical approach to the reapportionment problem if immediate consideration and relief are the prime governing motives. However, the Committee was authorized to study the problem of reapportionment in all its aspects and the following is submitted for consideration of this and future legislatures. Many reasons could be given but the object of this report is merely to present a few propositions for consideration and discussion.

1. Apportionment of representation in both houses of the legislature according to population is not in the best interests of government. The National plan, viz: representation by population in one house and geographical or political unit basis in the other house, would better serve the whole State of Alabama.

2. It is suggested that representation on a geographical or political unit basis be applied to the Senate. The inequalities of representation in the Senate at the present time exceed those of the House of Representatives. It is now mathematically possible for 18 Senators, a majority, representing only 27 counties and less than a million people to control absolutely legislation of this State, as opposed to the wishes of 17 Senators representing 40 counties and over two million of population. (1950 tentative census).

3. To accomplish the above requires either a constitutional convention or an amendment to the Constitution. Some attorneys contend that the recent advisory opinion of the Supreme Court limits the legislature and the people of Alabama to a constitutional convention under the last sentence of Section 284 of the Constitution, maintaining that that portion of Section 284 is not susceptible to amendment. However, the opinion of the Supreme Court in *Downs vs. City of Birmingham*, 198 So. 231, 240 Ala. 177, seems to hold that any section of the Constitution may be amended so long as the Constitution of the United States is not violated.

In view of the above, it is recommended:

(a) That a Constitutional amendment be submitted for ratification amending Section 284, either deleting the last sentence of said Section or rewording it to permit one house of the legislature to be apportioned on other than a population basis.

(b) That the Senate be the legislative body exempted from a membership based exclusively on population.

(c) That a Constitutional amendment be submitted to the people providing a Senate based on a geographical or political unit basis.

Respectfully submitted:
PELHAM J. MERRILL.

APPENDIX A
DEPARTMENT OF COMMERCE

Bureau of the Census
Washington 25

August 17, 1950.

Honorable James E. Folsom
Governor, State of Alabama
Montgomery, Alabama

My dear Governor Folsom:

In accordance with your telegraphic request of August 15, there is enclosed a press release to which an official certificate has been attached, giving the population of the State of Alabama, by counties, according to the preliminary count of the 1950 Census returns. These figures are subject to revision when the final counts are completed early next year.

The law requires that a charge of \$1.00 be made for certificates issued under the seal of the Department of Commerce. If you have need for a certificate under seal, please send to this Bureau with your request a certified check or money order for that amount made payable to the Treasurer of the United States.

We do not yet have statistics by race and age for States or counties for 1950. Preliminary data of this kind for the State as a whole should be available early in 1951, and complete statistics for States, counties, and cities will be ready for release late next year or early in 1952.

Sincerely yours,
ROY V. PEEL,
Director,
Bureau of the Census.

On motion of Mr. Coleman the foregoing report of the Joint Recess Committee was ordered spread upon the Journal.

RESOLUTIONS

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. WHEREAS, Senator Forrest G. Bridges departed this life on September 4, 1950, in Notasulga, Alabama and,

WHEREAS, he had devoted practically his entire adult life to public service, serving as Sheriff of Macon County, member of the House of Representatives of Alabama, member of the Senate of Alabama for Bullock and Macon Counties and Mayor of his home town, Notasulga, for 22 years and,

WHEREAS, he was devoted to his family, his many friends, and the people he served, being ever ready to contribute to the needs of his neighbors and to the progress and well being of his home town, County and State, and

WHEREAS, he was an active and successful business man, who used his outstanding talents at all times for the progress and betterment of his community, impressing those with whom he came in contact with the qualities of his Christian character, and,

WHEREAS, he will be sorely missed by his family, neighbors, and his many friends throughout the State who now mourn their loss, now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING:

1. We express our profound grief in the passing of Forrest G. Bridges and extend our sincere and deep sympathy to the members of his family and to his many friends and neighbors throughout the State.

2. The Secretary of the Senate is directed to transmit a copy of this Resolution to Mrs. Forrest G. Bridges. The Resolution shall be spread upon the journals of the Legislature and a copy released to the press.

The Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Coleman and Quarles offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. BE IT RESOLVED by the Senate of Alabama, The House of Representatives concurring:

That in accordance with Article V of the Constitution of the United States of America, the Legislature of the State of Alabama does hereby make application to the Congress of the United States of America to call a Constitutional Convention for proposing the following amendment to the Constitution of the United States of America:

“ARTICLE—

“The Fourteenth article of amendment to the Constitution of the United States of America is hereby repealed.”

BE IT FURTHER RESOLVED: That a duly attested copy of this resolution be transmitted by the Secretary of State of the State of Alabama to the clerk of each house of the Congress of the United States of America.

BE IT FURTHER RESOLVED: That a duly attested copy of this resolution be transmitted by the Secretary of State of the State of Alabama to the clerk of each house of the several Legislatures of the forty-seven sister States of the United States of America, and that each and all of the States of the United States of America and the Legislatures thereof be and they are hereby cordially and earnestly invited to join with the State of Alabama in making application to the Congress of the United States of America for the purpose aforesaid.

Which was read, and on objection of Mr. Fite to suspension of the Rules, was referred to the Standing Committee on Rules.

BILL ON THIRD READING

The bill:

S. 2. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

Was taken up.

RECESS

At 1:05 P. M. on motion of Mr. Hughes, and pending further consideration of Senate Bill 2, the Senate took a recess until 2:30 o'clock this afternoon.

AFTERNOON SESSION
FOURTH LEGISLATIVE DAY
TUESDAY, OCTOBER 10, 1950

The Senate reassembled at 2:30 P. M., Lieutenant-Governor Inzer presiding.

ROLL CALL

Present:

Messrs.:	Fite	Howle	Patton
Allen	Gaither	Hughes	Perry
Barrett	Glover	Kendall	Quarles
Boutwell	Golson	Kimbrell	Russell
Burnside	Gulledge	Lamberth	Summerlin
Cater	Hardwick	Lowe	Swift
Clayton	Harvey	Mize	Weathers
Coleman	Henderson	Patterson	Wright
Cooper	Hooton		

—33

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Callahan:

H. J. R. 16. Whereas, Miss Ann Adams, of Tuscaloosa County, Alabama, who is the niece of Representative Jesse B. Adams, of Dale County Alabama, has been chosen the 1951 Alabama Maid of Cotton, and

Whereas, Miss Adams is a lovely and charming young woman and represents a rare combination of brains and beauty and is a credit to the State, and

Whereas, the Legislature wishes to honor Miss Adams, therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING:

1. An invitation is hereby cordially extended to Miss Ann Adams to visit the Capitol and the City of Montgomery during the present session of the Legislature, and the privileges of the floor of both houses of the Legislature are extended to her.

2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Miss Adams and to release a copy of it to the press.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mize, the Rules were suspended and the Resolution, H. J. R. 16, set out in the foregoing message from the House was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Merrill:

H. J. R. 18. Be It Resolved by the House, the Senate concurring, that when the two Houses adjourn today, they adjourn to meet again Friday, October 13, at 10 A. M.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Henderson the Rules were suspended and the Resolution, H. J. R. 18, set out in the foregoing message from the House, was adopted by the Senate.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Gullledge:

S. B. 61. To regulate the taking of fish from the public waters of Alabama. To make it unlawful to use electrical devices for the purpose of taking or attempting to take fish in any of the public waters of this State. To fix a punishment for the violation of this Act. To provide for the disposition of the fines. To repeal all laws in conflict herewith. To provide when this Act shall become effective and for other purposes.

Committee on Fish and Game.

By Messrs. Patton and Lowe:

S. B. 62. To amend Section 85 of Title 22 of the Code of Alabama (1940), as amended, which relates to the promulgation and enforcement of rules for the operating of food-handling establishments.

Committee on Public Health.

By Messrs. Patton and Hardwick:

S. B. 63. To provide old-age and survivors insurance for certain officers and employees of the State and local governments and making appropriations therefor.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

By Mr. Ingalls:

H. B. 14. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

By Mr. Ingalls:

H. 15. To provide legal counsel for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

By Mr. Quarles:

S. 14. To provide for the payment of the expenses of the Legislature.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolutions:

By Mr. Patterson:

S. J. R. 12. Relative to expressing our profound grief in the passing of Forest G. Bridges and extending our sincere sympathy to the members of his family.

Also:

By Mr. Lowe:

S. J. R. 9. Relative to recognizing the contributions of the Alabama Agricultural and Mechanical College for Negroes, and expressing appreciation to Dr. J. F. Drake and to his associates for their leadership and untiring efforts for the best development of the College.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Sullivan:

H. J. R. 19. WHEREAS, Miss Yolande Betbeze of Mobile, Alabama, by reason of her beauty, charm, poise, talent and ability has achieved the distinction of being the first lady of Alabama to be named as Miss America; and

WHEREAS, such recognition has redounded to the benefit of Alabama and of all Alabamians and will, in the future, create favorable interest in this State; and

WHEREAS, it is the wish of the people of Alabama, through their duly elected representatives to publicly recognize the achievement of Miss Yolande Betbeze.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that Miss Yolande Betbeze be and is hereby congratulated on behalf of the State of Alabama for her magnificent achievement and that it be made known to her that the best wishes of the people of this State go with her in her year of reign as Miss America.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the said Miss Yolande Betbeze and that a copy hereof be forwarded to the officials of "Miss America" at Atlantic City, New Jersey.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Lowe the Rules were suspended and the Resolution, H. J. R. 19, set out in the foregoing message from the House, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill.

By Mr. Thompson (Crenshaw):

H. 5. To provide for civil defense: Creating an Office of Civil Defense; providing for a Director of Civil Defense, prescribing his powers and duties; and creating an Advisory Committee to advise and assist the Director.

And ordered same sent forthwith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 5—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. McDonald:

H. 23. For the relief of the widow of P. P. Wilson.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL

STATE OF ALABAMA
COUNTY OF COOSA

Notice is hereby given that at the 1950 regular session of the Legislature of Alabama, a bill substantially as follows will be introduced and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

For the Relief of the Widow of P. P. Wilson.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Coosa County is authorized and directed to pay to the widow of P. P. Wilson, late of Sylacauga, Route 2, in Coosa County, the sum of five hundred dollars (\$500) out of any funds of the county not otherwise appropriated as reimbursement for funeral expenses incurred upon the death of her husband who was killed in the course of his employment by the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

7-14c

AFFIDAVIT OF PUBLICATION

I, J. C. Henderson, Publisher, of The Enterprise-Chronicle published weekly at Goodwater, Ala. do solemnly swear that a copy of the notice, as per clipping attached, was published four times in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated June 22, 194/ 50, and ending with the issue dated July 13, 194/ 50

J. C. HENDERSON.

Subscribed and sworn before me this 11 day of August 194/50.

BILLY B. SELLERS,
Notary Public.

Also:

By Mr. McDonald:

H. 24. For the relief of the next of kin of Eugene Ogburn.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL

STATE OF ALABAMA
COUNTY OF COOSA

Notice is hereby given that at the 1950 regular session of the Legislature of Alabama, a bill substantially as follows will be introduced and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

For the relief of the Next of Kin of Eugene Ogburn.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Coosa County is authorized and directed to pay to the next of kin of Eugene Ogburn, late of Goodwater in Coosa County, the sum of five hundred dollars (\$500) out of any funds of the county not otherwise appropriated as reimbursement for funeral expenses incurred upon the death of Eugene Ogburn who was killed in the course of his employment by the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

AFFIDAVIT OF PUBLICATION

I, J. C. Henderson, Publisher, of The Enterprise-Chronicle published weekly at Goodwater, Ala. do solemnly swear that a copy of the notice, as per clipping attached was published four times in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated June 22, 1950, and ending with the issued dated July 13, 1950.

J. C. HENDERSON.

Subscribed and sworn before me this 11 day of August 1950.

BILLY B. SELLERS,
Notary Public.

Also:

By Mr. Dobbs (Fayette):

H. 26. Proposing an amendment to the Constitution of Alabama relating to Fayette County, and ordering an election thereon.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 23 and 24—To the Committee on Local Legislation.

H. B. 26—To the Committee on Constitution and Constitutional Revision and Amendments.

(The above bill was read one time at length as required by the Constitution).

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bills:

By Mr. Miller:

H. 7. To amend Section 766 of Title 51 of the Code of Alabama (1940) relating to the incorrect payment of sales taxes.

Also:

By Mr. Beck:

H. 22. To amend Section 661 of Title 7 of the Code of Alabama (1940), which relates to the homestead exempted from administration and the payment of debts in favor of the widow and minor child or children; making the amendment retroactive.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 7—To the Committee on Finance and Taxation.

H. B. 22—To the Committee on Judiciary.

RESOLUTION

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. Be it resolved by the Senate, the House concurring, That when the two Houses adjourn today, they do adjourn sine die.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the unfinished business of the morning session, which was the bill:

S. 2. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

Mr. Patton offered the following amendment to the bill, to-wit:

Amend S. B. 2 by striking subsection (c) of Section 1 and inserting in lieu thereof the following as subsection (c);

"Whenever any person is arrested for a violation of the provisions of subdivision (a) of this section he may request that a specimen of his breath be taken and analyzed; and the arresting officer must take any steps necessary to fulfill his request. The Alcoholic Beverage Control Board shall provide for the several sheriffs and the several division and unit offices of the Highway Patrol the devices needed for making such tests. If the request of the person so arrested is not complied with he shall not be convicted for violating this Act."

Which was adopted.

Yeas 27; Nays 1.

Yeas:

Messrs.:	Cater	Fite	Hardwick
Allen	Clayton	Glover	Henderson
Boutwell	Coleman	Golson	Howle
Burnside	Cooper	Gulledge	Hughes

Kendall	Lowe	Patton	Summerlin	
Kimbrell	Mize	Quarles	Weathers	
Lamberth	Patterson	Russell	Wright	—27
<i>Nay:</i> Mr. Perry				—1

And said bill, as thus amended was then read a third time at length and passed.

Yeas 17; Nays 9.

Yeas:

Messrs.:	Glover	Kendall	Patton	
Allen	Golson	Kimbrell	Swift	
Boutwell	Gulledge	Lamberth	Weathers	
Burnside	Hardwick	Lowe	Wright	—17
Cooper	Hughes			

Nays:

Messrs.:	Fite	Patterson	Quarles	
Clayton	Gaither	Perry	Summerlin	—9
Coleman	Mize			

The bill:

S. 12. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Was taken up.

Mr. Summerlin moved that further consideration of the bill be indefinitely postponed, and on motion of Mr. Cater the motion to indefinitely postpone was laid upon the table.

Yeas 19; Nays 10.

Yeas:

Messrs.:	Clayton	Kendall	Patton	
Allen	Hardwick	Lamberth	Perry	
Boutwell	Henderson	Lowe	Russell	
Burnside	Howle	Mize	Swift	
Cater	Hughes	Patterson	Wright	—19

Nays:

Messrs.:	Cooper	Golson	Quarles	
Barrett	Fite	Gulledge	Summerlin	—10
Coleman	Glover	Kimbrell		

And said bill was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 9.

Yeas:

Messrs.:	Hardwick	Lamberth	Perry	
Allen	Henderson	Lowe	Russell	
Boutwell	Howle	Mize	Swift	
Burnside	Hughes	Patterson	Weathers	
Cater	Kendall	Patton	Wright	—20
Clayton				

Nays:

Messrs.:	Cooper	Golson	Quarles	
Barrett	Fite	Gulledge	Summerlin	
Coleman	Glover			—9

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 14. Be it resolved by the Senate, the House concurring, That when the two Houses adjourn today, they do adjourn sine die.

And the Rules Committee reported the following substitute for the Resolution, to-wit:

Be it Resolved by the Senate, the House concurring, that the Legislature do adjourn sine die.

And said substitute was adopted by the Senate.

Yeas 16; Nays 12.

Yeas:

Messrs.:	Glover	Lowe	Summerlin	
Boutwell	Golson	Patterson	Swift	
Cater	Henderson	Perry	Weathers	
Clayton	Hughes	Quarles	Wright	
Coleman				—16

Nays:

Messrs.:	Fite	Howle	Mize	
Allen	Gulledge	Kendall	Patton	
Barrett	Hardwick	Kimbrell	Russell	
Cooper				—12

And the Resolution, S. J. R. 14, as thus amended by the substitute, was adopted by the Senate.

Mr. Lowe moved that the Senate reconsider the vote by which it adopted the Resolution, and then moved to lay on the table the motion to reconsider. The motion to table prevailed.

Yeas 14; Nays 13.

Yeas:

Messrs.:	Coleman	Hughes	Swift	
Boutwell	Glover	Lowe	Weathers	
Cater	Golson	Patterson	Wright	
Clayton	Henderson	Quarles		—14

Nays:

Messrs.:	Fite	Kendall	Perry	
Allen	Gulledge	Kimbrell	Russell	
Barrett	Hardwick	Patton	Summerlin	
Cooper	Howle			—13

RESOLUTION

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 15. Be it resolved by the Senate, the House concurring, That the Legislature, having heretofore invited the lovely and charming Maid of Cotton to visit the Capitol and the City of Montgomery during the present session, now wishes to honor Miss America, the beautiful Miss Yolande Betbeze of Mobile, by cordially extending to her an invitation to visit the Capitol during the session, and the privileges of the floor of both houses are hereby extended to her.

Be it further resolved, That a duly enrolled copy of this Resolution be transmitted to Miss Betbeze by the Secretary of State.

And said resolution was then adopted by the Senate.

REPORT FROM THE RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules reported that said Committee, in session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 15. Be it resolved by the House of Representatives, the Senate Concurring, that H. J. R. 4 be named the McGowin-Morring Resolution.

And said Resolution was then adopted by the Senate.

ADJOURNMENT

At 3:50 P. M., on motion of Mr. Coleman, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Friday, October 13, 1950 at 10 o'clock A. M.

FIFTH LEGISLATIVE DAY

FRIDAY, OCTOBER 13, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Dr. W. W. Izard, Pastor, Forest Park Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Cooper	Hooton	Lowe
Allen	Fite	Howle	Mize
Barrett	Gaither	Hughes	Patterson
Boutwell	Golson	Johnston	Quarles
Burnside	Gulledge	Kendall	Swift
Cater	Harvey	Kimbrell	Weathers
Clayton	Henderson	Lamberth	Wright
Coleman			

—28

JOURNAL

On motion of Mr. Hughes the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Henderson, leaves of absence were granted Messrs. Russell and Patton for today.

On motion of Mr. Hughes, leave of absence was granted Mr. Hardwick for today.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Mize:

S. B. 64. To authorize the allocation and disbursement of Federal funds deposited in the State Treasury of Alabama for educational purposes to county and city boards of education to meet anticipated monthly current operation obligations in accordance with laws and regulations governing the expenditure of such funds as certified to by the State Superintendent of Education.

Committee on Education.

By Mr. Wright (by request):

S. B. 65. Relating to Limestone County: To amend Section 2 of Act No. 95, H. 395 of 1947 (Local Acts of Alabama 1947, page 67) as amended by Act No. 67 S. 257 of 1949 (General and Local Acts of Alabama 1949, page 88) which relates to the employment and compensation of a regular clerk and temporary clerk by and for the Tax Assessor of Limestone County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced to amend Section 2 of Act No. 95, H. 395 of 1947 (Local Acts of Alabama 1947, page 67) as previously amended by Act No. 67, S. 257 of 1949 (General and Local Acts of Alabama 1949, page 88) by increasing the maximum compensation payable to the regular clerk for the Tax Assessor of Limestone County to one hundred and seventy five dollars (\$175) per month, and application for its passage and enactment will be made.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Owner of the Alabama Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on September 14, September 21, September 28, and October 5, all in the year 1950.

STEELE MCGREW.

Sworn to and subscribed before me October 9, 1950.

ALDEN A. CHAPMAN,
Notary Public.

By Mr. Wright (by request):

S. B. 66. Relating to Limestone County: To amend Section 2 of Act No. 200, H. 604 of 1947 (Local Acts of Alabama 1947, page 119) as amended by Act No. 95, S. 264 of 1949 (General and Local Acts of Alabama 1949, page 121) which relates to the consolidation and combination of offices of the Circuit Clerk, Register of the Circuit Court, Clerk of the Limestone County Court and Register of the Limestone County Court of

Limestone County, Alabama; and to provide for the election, term of office and compensation of a Circuit Clerk of Limestone County and for an assistant clerk and his compensation.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced to amend Section 2 of Act No. 200, H. 604 of 1947 (Local Acts of Alabama 1947, page 119) as previously amended by Act No. 95, S. 264 of 1949 (General and Local Acts of Alabama 1949, page 121), by increasing the maximum compensation payable to the assistant clerk of the Circuit Court of Limestone County to twenty one hundred dollars (\$2,100) annually, and by increasing the minimum compensation payable to said assistant clerk to fifteen hundred dollars (\$1,500) annually, and application for its passage and enactment will be made.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Owner of the Alabama Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 14, Sept. 21, Sept. 28, and Oct. 5, all in the year 1950.

STEELE MCGREW.

Sworn to and subscribed before me October 9, 1950.

ALDEN A. CHAPMAN,
Notary Public.

By Mr. Wright (by request):

S. B. 67. Relating to Limestone County: To amend Section 2 of Act No. 201, H. 605 of 1947 (Local Acts of Alabama 1947, page 120) which relates to the number and compensation of chief clerk and assistant clerks appointed by the Probate Judge of Limestone County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced to amend Section 2 of Act No. 201, H. 605 of 1947 (Local Acts of Alabama 1947, page 120) by increasing the maximum compensation payable to the chief clerk of the Probate Office of Limestone County to twenty seven hundred dollars (\$2,700) annually, and the maximum compensation payable to the assistant clerks of the Probate Office of Limestone County to twenty one hundred dollars (\$2,100) annually, and application for its passage and enactment will be made.

Oct. 5

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me

first duly sworn, deposes and says that during the times herein mentioned he was Editor and Owner of the Alabama Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 14, Sept. 21, Sept. 28, and Oct. 5, all in the year 1950.

STEELE McGREW.

Sworn to and subscribed before me October 9, 1950.

ALDENA CHAPMAN,
Notary Public.

By Mr. Wright (by request):

S. B. 68. Relating to Limestone County: To amend Section 2 of Act No. 120, S. 210 of 1947 (Local Acts of Alabama 1947, page 78) as amended by Act No. 68, S. 258 of 1949 (General and Local Acts of Alabama 1949, page 90) which relates to the employment of and compensation of a clerk for the Tax Collector of Limestone County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced to amend Section 2 of Act No. 120, S. 210 of 1947 (Local Acts of Alabama 1947, page 78) as previously amended by Act No. 68, S. 258 of 1949 (General and Local Acts of Alabama 1949, page 90), by increasing the maximum compensation payable to the clerk for the Tax Collector of Limestone County to one hundred and seventy five dollars (\$175) per month, and application for its passage and enactment will be made.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Owner of the Alabama Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 14, Sept. 21, Sept. 28, and Oct. 5, all in the year 1950.

STEELE McGREW.

Sworn to and subscribed before me October 9, 1950.

ALDENA CHAPMAN,
Notary Public.

By Mr. Wright (by request):

S. B. 69. Relating to Limestone County: To amend Section 3 of Act No. 121, S. 211 of 1947 (Local Acts of Alabama, page 79) as amended by Act No. 163, H. 564 of 1949 (General and Local Acts of Alabama 1949, page 190) which relates to the number and compensation of deputies appointed by the Sheriff of Limestone County.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
LIMESTONE COUNTY

Notice is hereby given that at the present session of the Legislature of Alabama a bill will be introduced to amend Section 3 of Act No. 121, S. 211 of 1947 (Local Acts of 1947, page 79) as previously amended by Act No. 163, H. 564 of 1949 (General and Local Acts of Alabama 1949, page 190), by increasing the maximum compensation payable to the chief deputy sheriff of Limestone County to two thousand seven hundred dollars (\$2,700) annually and the maximum compensation payable to the other deputies to two thousand four hundred dollars (\$2,400) annually, and application for its passage and enactment will be made.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LIMESTONE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Steele McGrew, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor and Owner of the Alabama Courier, a newspaper of general circulation published in Limestone County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 14, Sept. 21, Sept. 28, and Oct. 5, all in the year 1950.

STEELE MCGREW.

Sworn to and subscribed before me October 9, 1950.

ALDEN A. CHAPMAN,
Notary Public.

By Mr. Cater (by request):

S. B. 70. To create and establish the position of consultant emeritus to the county governing body in each of the several counties in the State of Alabama; to fix the qualifications of such consultant emeritus; to prescribe the manner of his appointment; to define his duties and responsibilities; and to provide for his compensation.

Committee on Finance and Taxation.

By Mr. Kimbrell:

S. B. 71. To repeal Section 66 of Title 2, Code of Alabama of 1940 which relates to the sale of commercial feed in Alabama.

Committee on Agriculture.

By Mr. Mize:

S. B. 72. To make an additional appropriation to the Board of Trustees of the Alabama Insane Hospitals for the use of the Alabama Insane Hospitals and the Partlow State School for Mental Deficients for the fiscal year ending September 30, 1951.

Committee on Finance and Taxation.

By Mr. Allen:

S. B. 73. To repeal Act No. 500, S. 618, approved August 30, 1949 (Acts of Alabama, 1949, p. 725) entitled "An Act Prescribing the compensation to be paid to members of the governing body in all cities in the State of Alabama having a population of not less than 50,000 people nor more than 78,500 people, according to the last or any succeeding regular decennial Federal Census, where such cities operate under the commission form of government; providing a method of payment of such compensation and providing the time when this Act shall become effective; and repealing all laws or parts of laws in conflict with the provisions hereof."

Committee on Local Legislation.

REPORTS OF COMMITTEE

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Boutwell:

S. 49. To make an appropriation for the painting of the exterior of the State Capitol.

By Messrs. Wright and Kendall:

S. 59. To fix the salary of the State Superintendent of Education.

By Mr. Russell:

S. 53. To ratify, confirm and validate the allocation and distribution heretofore made by the State of Alabama Building Commission of the sum of \$65,000.00 to each of the Regional Tuberculosis Sanatoria located in District No. 1 at Decatur, Alabama and in District No. 4, Etowah County, Alabama.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dobbs (Fayette):

H. 26. Proposing an amendment to the Constitution of Alabama relating to Fayette County, and ordering an election thereon.

The above bill was read a second time at length as required by the Constitution.

Mr. Kimbrell, Vice-Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hughes (with notice and proof):

S. 52. To fix the salary of the Deputy Solicitor of Geneva County.

By Mr. McDonald (with notice and proof):

H. 24. For the relief of the next of kin of Eugene Ogburn.

By Mr. McDonald (with notice and proof):

H. 23. For the relief of the widow of P. P. Wilson.

By Mr. Quarles (with notice and proof):

S. 55. To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling with like provisions in said city, such State of Alabama taxes as are levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only **fifty per cent (50%) of the State levy provided** by subdivisions (a), (b) and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer

of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to provide the governing body of said city with authority to call and hold an election to submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

Mr. Patterson, Chairman of the Standing Committee on Education reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gulledge:

S. 50. To amend Section 100 of Title 52, Code of Alabama (1940), which relates to the qualification and selection of school trustees.

Mr. Wright, Chairman of the Standing Committee on Public Health reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wright:

S. 43. To amend Title 46, Section 267, Code of Alabama 1940.

By Messrs. Patton and Lowe:

S. 62. To amend Section 85 of Title 22 of the Code of Alabama (1940), as amended, which relates to the promulgation and enforcement of rules for the operation of food-handling establishments.

Mr. Hooton, Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Kimbrell, Gaither, Barrett and Howle:

S. 36. To repeal Act No. 685, approved October 3, 1947, entitled "An Act to amend Section 29 of Title 13, of the Code of 1940".

By Mr. Thompson (Crenshaw):

H. 5. To provide for civil defense: Creating an Office of Civil Defense; providing for a Director of Civil Defense, prescribing his powers and duties; and creating an Advisory Committee to advise and assist the Director.

By Messrs. Gibson and Meeks:

H. 13. Relating to the taxation of property owned and used by colleges: To exempt from taxes all property owned and used by colleges for housing students, faculty members or other employees of such colleges, and to exempt property owned by colleges for enlargement of campus or for new campus.

By Messrs. Kimbrell, Gaither, Barrett and Howle

S. 37. To repeal Article 2 of Chapter 2 of Title 13, of the Code of 1940, as amended.

By Messrs. Howle and Kendall:

S. 35. To prohibit any justice of the Supreme Court of Alabama from sitting or acting as such in any action or proceeding where he is related to either party or to an attorney or counsel for either party, or to any member of a firm of attorneys which represents or any member of which represents either party by consanguinity or affinity within the third degree, computed according to the rules of the civil law.

By Mr. Hooton:

S. 47. To make a transfer of funds appropriated to the use of the Legislative Reference Service for expenses to the Service's appropriation for salaries.

By Mr. Hooton:

S. 44. Relating to the nomination and confirmation of officers required to be confirmed by the Senate: Fixing the time in which the Governor must make nominations and submit them to the Senate; prescribing the time which the Senate shall have to act on such nominations; and providing for the expiration of ad interim appointments if not confirmed.

By Mr. Hooton:

S. 46. Relating to powers of committees of the Legislature of Alabama or of either House thereof; empowering legislative committees to investigate any subject respecting which they may desire information in aid of the proper discharge of their functions; providing for the compulsory attendance of witnesses; prescribing penalties for contempts and false swearing.

By Mr. Beck:

H. 22. To amend Section 661 of Title 7 of the Code of Alabama (1940), which relates to the homestead exempted from administration and the payment of debts in favor of the widow and minor child or children; making the amendment retroactive.

By Mr. Hooton:

S. 57. To amend Section 753 of Title 51, Code of Alabama (1940), which relates to the State's sales tax.

Mr. Kimbrell, Vice-Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Howle (with notice and proof):

S. 42. For the relief of Mrs. Harry S. Parker as compensation for the death of her husband, Harry S. Parker, deceased, of Calhoun County, Alabama, as the result of injury received while he was in the line of and performing his duties as a road employee of Calhoun County, Alabama.

Mr. Lowe, Vice-Chairman of the Standing Committee on Fish and Game reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 61. To regulate the taking of fish from the public waters of Alabama. To make it unlawful to use electrical devices for the purpose of taking or attempting to take fish in any of the public waters of this State. To fix a punishment for the violation of this Act. To provide for the disposition of the fines. To repeal all laws in conflict herewith. To provide when this Act shall become effective and for other purposes.

Mr. Kimbrell, Vice-Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Cater (without recommendation):

S. 60. To amend Act No. 500, S. 618, approved August 30, 1949, (Acts of Alabama, 1949, p. 725), which relates to the compensation of Commissioners in cities of a population of 50,000 to 78,500.

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 51. To amend Section 619 of Title 51, Code of Alabama (1940), which relates to the privilege or license tax levied on the recordation of mortgages, deeds of trust, conditional sale contracts, and other instruments executed to secure the payment of debts; exempting loans for agricultural purposes from such levy.

By Messrs. Coleman, Fite and Russell:

S. 54. To increase the compensation of the State Auditor, the Secretary of State and the State Treasurer to the extent of \$1200.00 per annum.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following Senate Joint Resolutions with the original Senate Joint Resolutions and finds same Correctly enrolled, to-wit:

S. J. R. 9: Relative to: Recognizing the contributions of the Alabama Agricultural and Mechanical College for Negroes, and expressing our appreciation to Dr. J. F. Drake and his associates for their leadership and untiring efforts for the best development of the College.

Also:

S. J. R. 12. Relative to expressing profound grief in the passing of Forrest G. Bridges.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

By Mr. Patton:

S. 2. To prohibit persons under the influence of intoxicating liquors from driving motor vehicles; to provide that specified percentages of alcohol in the blood shall raise prima facie presumptions with reference thereto; to make it unlawful to drive a motor vehicle while under the influence of any narcotic drug, and to provide for the punishment for any violation of the provisions of this Act, and for revocation of driver's license for violation thereof.

TOM BLAKE HOWLE,
Chairman.

RESOLUTION

Mr. Hooton offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. Be it resolved by the Senate, the House of Representatives concurring, that in accordance with the Amendment to the Constitution proposed by General Act No. 384 of the 1945 Legislature of Alabama and ratified by the people in the November 1946 election, each member of the Legislature, in addition to his travel allowance, shall be allowed expenses, other than actual expenses of traveling, incurred in the performance of his duties, the sum of \$10.00 per day; and the State Comptroller shall draw warrants in the sum of \$10.00 per day for eleven days to cover the expenses of each member of the Legislature, which expenses were incurred in the prior fiscal year. Said warrants to be drawn against the current appropriation to the Legislature for the fiscal year ending September 30, 1951.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The bill:

S. 20. To amend Section 31 of Title 17 of the Code of Alabama (1940), which relates to the examination of applicants for registration as voters.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 18; Nay 1.

Yeas:

Messrs.:	Cooper	Hooton	Quarles	
Allen	Golson	Johnston	Swift	
Barrett	Gulledge	Kimbrell	Weathers	
Cater	Harvey	Lamberth	Wright	
Clayton	Henderson	Lowe		—18

Nay: Mr. Patterson —1

The bill:

S. 34. Proposing an amendment to the Constitution of Alabama relating to Fayette County, and ordering an election thereon.

Was taken up.

Mr. Kimbrell offered the following amendment to the bill, to-wit:

Amend S. B. 34 by striking from Section 2 the first sentence thereof and inserting the following:

"An election upon the proposed amendment is ordered to be held on the date of the next general election after January 1, 1951."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Cooper	Hughes	Patterson	
Allen	Gaither	Kimbrell	Quarles	
Barrett	Gulledge	Lamberth	Swift	
Boutwell	Harvey	Lowe	Weathers	
Clayton	Hooton	Mize	Wright	
Coleman	Howle			—21

Nays: —0

And said bill, as thus amended, was then read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Cooper	Howle	Mize	
Allen	Gaither	Hughes	Patterson	
Barrett	Golson	Kendall	Quarles	
Boutwell	Gulledge	Kimbrell	Swift	
Clayton	Harvey	Lamberth	Weathers	
Coleman	Hooton	Lowe		—22

Nays: —0

CALENDAR BILL REREFERRED

On motion of Mr. Coleman, the bill, S. B. 21, was ordered removed from the calendar and was rereferred by the President and Presiding Officer of the Senate, to the Standing Committee on Judiciary.

RESOLUTION

Mr. Cater offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. BE IT RESOLVED by the Senate, the House concurring, that the Legislature has received information that Miss Nell Rankin of Montgomery, Alabama, the lovely, talented daughter of Mr. Allen C. Rankin and the late Eugenia Knabe Rankin, competing with opera singers from all over the world in the International Artists Contest recently held in Geneva, Switzerland has been awarded first prize; that in doing so she has brought not only renown to herself but also to her home town of Montgomery and the whole state of Alabama.

BE IT FURTHER RESOLVED that the Legislature of Alabama does sincerely congratulate Miss Rankin on this achievement and wishes for her much success in her future operatic efforts.

BE IT FURTHER RESOLVED that the Secretary of State be directed to transmit forthwith a duly authenticated copy of this Resolution to Miss Rankin.

And the Rules were suspended and the Resolution adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Patterson:

S. J. R. 15. Relative to inviting Miss Yolande Betbeze of Mobile to visit the Capitol during this session of the Legislature and extending the privileges of the floor of both Houses to her.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

CALENDAR BILL REREFERRED

On motion of Mr. Mize, the bill S. B. 19, was ordered removed from the calendar, and was rereferred to the Standing Committee on Judiciary.

BILLS ON THIRD READING RESUMED

The bill:

S. 40. Proposing an amendment to the Constitution of Alabama relating to Blount County, and ordering an election thereon.

Was taken up.

Mr. Harvey offered the following amendment to the bill, to-wit:

Amend S. B. 40 by striking from Section 2 the first sentence thereof and inserting the following:

"An election upon the proposed amendment is ordered to be held on the date of the next general election after January 1, 1951."

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Cooper	Hooton	Mize	
Allen	Gaither	Howle	Patterson	
Barrett	Golson	Kendall	Quarles	
Boutwell	Gulledge	Kimbrell	Swift	
Burnside	Harvey	Lamberth	Weathers	
Coleman	Henderson	Lowe		—22

Nays:

—0

And said bill, as thus amended, was then read a third time at length as required by the Constitution and passed and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Burnside	Gaither	Henderson
Allen	Clayton	Golson	Hooton
Barrett	Coleman	Gulledge	Howle
Boutwell	Cooper	Harvey	Kendall

Lamberth	Mize	Quarles	Weathers	
Lowe	Patterson	Swift		—22
Nays:				—0

The bill:

S. 22. Proposing an amendment to Section 106 of Article IV of the Constitution of Alabama, which relates to publishing notice of the intention to apply for the enactment of special, private, or local laws.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Cooper	Howle	Patterson	
Allen	Gaither	Hughes	Quarles	
Barrett	Gulledge	Kendall	Swift	
Boutwell	Harvey	Kimbrell	Weathers	
Burnside	Henderson	Lamberth	Wright	
Coleman	Hooton			—21

Nays: —0

The bill:

S. 9. To propose an amendment of Section 181 of the Constitution of Alabama fixing the qualifications to register as an elector; ordering an election upon such proposed amendment to be held on the first Tuesday after the expiration of three months after the final adjournment of the present session of the Legislature; and making an appropriation to pay the expenses of holding the election.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 3.

Yeas:

Messrs.:	Coleman	Henderson	Kimbrell	
Allen	Cooper	Hooton	Lowe	
Barrett	Gaither	Howle	Quarles	
Boutwell	Golson	Hughes	Swift	
Burnside	Gulledge	Johnston	Weathers	
Cater	Harvey	Kendall	Wright	
Clayton				—24

Nays: Messrs. Lamberth, Mize and Patterson —3

The bill:

S. 10. To provide further regulations governing the administration of pardons and paroles and the remission of fines and forfeitures; providing for the employment of a Parole Clerk and making an appropriation for the payment of his salary.

Was taken up.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Inzer:

H. J. R. 22. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two Houses adjourn today, they adjourn to meet again Wednesday, October 18, 1950, at 12 o'clock Noon.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

Mr. Clayton offered the following amendment to the Resolution, H. J. R. 22, which is set out in the foregoing message from the House, to-wit:

Amend H. J. R. 22 by striking out the words and figures "Wednesday, October 18, 1950" and inserting in lieu thereof the words and figures "Tuesday, October 24, 1950"

Mr. Allen moved to lay on the table the amendment offered by Mr. Clayton, which resulted in a tie vote.

Yeas 14; Nays 14.

Yeas:

Messrs.:	Fite	Howle	Lamberth	
Allen	Gaither	Johnston	Mize	
Barrett	Harvey	Kendall	Weathers	
Boutwell	Hooton	Kimbrell		—14

Nays:

Messrs.:	Coleman	Henderson	Quarles	
Burnside	Cooper	Hughes	Swift	
Cater	Golson	Lowe	Wright	
Clayton	Gulledge	Patterson		—14

The President and Presiding Officer of the Senate voted "Aye," thereupon the motion to table prevailed.

And said resolution, H. J. R. 22, was then concurred in and adopted by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following Senate Joint Resolution with the original Senate Joint Resolution and finds same correctly enrolled, to-wit:

S. J. R. 15. Relative to inviting Miss Yolande Betbeze, Miss America, to visit the Capitol in the City of Montgomery, Alabama, while the present Legislature is in session.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed

the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested:

H. J. R. 15. Relative to designating H. J. R. No. 4 as the McGowin-Morring Resolution.

Also:

H. J. R. 16. Relative to honoring Miss Ann Adams, the chosen 1951 Alabama Maid of Cotton.

Also:

H. J. R. 19. Relative to congratulating Miss Yolande Betbeze, the first lady of Alabama to be named Miss America.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate; signed the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Mr. Thagard:

H. 33. To appropriate an additional twenty-five thousand dollars to the Alabama Milk Control Board for the fiscal year ending September 30, 1951.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which, is set out in the foregoing message from the House, was read and referred to appropriate Standing Committee as follows:

H. B. 33—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Cater:

S. J. R. 17. Relative to congratulating Miss Nell Rankin on her achievement in winning the International Artists Contest recently held in Geneva, Switzerland.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

RESOLUTION

Messrs. Lowe and Kendall offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. WHEREAS: The President of the United States has, by executive order, stopped the export of all cotton from this country, and

WHEREAS, this act has resulted in a decline in the price of cotton of approximately \$8.50 per bale, and threatens to reduce the price still further, thereby taking millions of dollars of income from the American farmer, and

WHEREAS, farmers do not deny that the world situation is critical and may require drastic action on the part of our Government—it is not fair to allow a disproportionate share of the burden to fall on any one segment of society.

THEREFORE, be it resolved that We, The Senate of Alabama, the House concurring, do jointly deplore the fate that has befallen our cotton farmers, and urge our senators and members of the Congress from this state to exert their energies and influence to see that the economic burden of the present conflict is shared as nearly equal as possible by all our people; that, if it is necessary to control the price of farm commodities, that prices of all other commodities and wages be controlled on a fair and equal basis.

We request that the secretary of the Senate send copies of this resolution to Governors and Commissioners of Agriculture of the Southern states.

And the Rules were suspended and the Resolution adopted by the Senate.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate, for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day approved by the Senate.

ADJOURNMENT

At 12 o'clock noon, on motion of Mr. Patterson, and in accordance with Joint Resolution heretofore adopted, and pending further consideration of S. B. 10 the Senate adjourned until Wednesday, October 18, 1950 at 12 o'clock noon.

SIXTH LEGISLATIVE DAY
WEDNESDAY, OCTOBER 18, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Reverend Vernon McMaster, Rector, Episcopal Church of the Holy Comforter, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Fite	Hughes	Patterson
Allen	Gaither	Johnston	Patton
Boutwell	Gulledge	Kendall	Quarles
Burnside	Hardwick	Kimbrell	Russell
Cater	Harvey	Lamberth	Swift
Clayton	Henderson	Lowe	Weathers
Coleman	Hooton	Mize	Wright
Cooper	Howle		

—29

JOURNAL

On motion of Mr. Cater the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Mize, leave of absence was granted Mr. Barrett for today.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following Senate Joint Resolution with the original Senate Joint Resolution and finds same correctly enrolled, to-wit:

S. J. R. 17. Relative to congratulating Miss Nell Rankin, of Montgomery, Alabama, for her achievement, and wishing her much success in her future operatic efforts.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced severally read one time and referred to appropriate standing committees, as follows:

By Mr. Allen:

S. B. 74. Prescribing the compensation to be paid to members of the governing body in all cities in the State of Alabama having a popu-

lation of not less than 50,000 people nor more than 75,000 people, according to the last or any succeeding regular decennial Federal Census, where such cities operate under the commission form of government; providing a method of payment of such compensation and providing the time when this Act shall become effective; and repealing all laws or parts of laws in conflict with the provisions hereof.

Committee on Local Legislation.

By Mr. Mize:

S. B. 75. To extend, alter and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Committee on Local Legislation.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

The following bill will be introduced in the next special session of the Alabama Legislature.

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the City of Tuscaloosa in Tuscaloosa County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said City all of the following additional adjacent territory:

Beginning at a point on the north margin of Hargrove Road where the line dividing Range 9 West and Range 10 West crosses said road, thence north along the present boundary line of the City of Tuscaloosa to the southwest corner of the southwest quarter of the northwest quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 30, Township 21 South, Range 9 West, thence east along the present boundary line of the City of Tuscaloosa to the southeast corner of the southwest quarter of the northwest quarter (SW $\frac{1}{4}$ of NW $\frac{1}{4}$) of Section 30, Township 21 South, Range 9 West, thence south along the east line of the west half of the southwest quarter of Section 30, Township 21 South, Range 9 West to the southeast corner of the southwest quarter of the southwest quarter (SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 30, Township 21 South, Range 9 West thence west a distance of 709.2 feet along the south margin of the southwest quarter of the southwest quarter of Section 30, Township 21 South, Range 9 West to a point, thence north and parallel to the east line of the west half (W $\frac{1}{2}$) of the southwest quarter of Section 30, Township 21 South, Range 9 West a distance of 1564.4 feet to the north margin of Hargrove Road, thence west along the north margin of the Hargrove Road to the point of beginning.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Sept. 19, 26—Oct. 3, 10—4tc.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Buford Boone, who, being by me

first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Tuscaloosa News, Inc., a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper in the issues of said paper on September 19, September 26, October 3, and October 10, all in the year 1950.

BUFORD BOONE,
Publisher.

Sworn to and subscribed before me October 10, 1950.

LEO J. JONES,
Notary Public, State at Large,
Alabama.

By Mr. Henderson:

S. B. 76. To amend Section 8 of Act No. 323, approved August 2, 1949, entitled "An Act To provide for a refund of a portion of the State tax paid on gasoline when the gasoline is used in propelling or operating tractors used exclusively for agricultural purposes; prescribing a procedure for effecting refunds; authorizing the Commissioner of Revenue to issue permits and make rules and regulations to administer the Act; defining violations of the Act and prescribing penalties therefor."

Committee on Finance and Taxation.

By Mr. Patterson:

S. B. 77. To repeal Section 19A of Act No. 563, H. 380 (Acts of Alabama, 1949, pp. 883-891), which Act makes appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years 1949-50 and 1950-51.

Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Mr. Russell, Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Wright (by request) (with notice and proof):

S. 69. Relating to Limestone County: To amend Section 3 of Act No. 121, S. 211 of 1947 (Local Acts of Alabama, page 79) as amended by Act No. 163, H. 564 of 1949 (General and Local Acts of Alabama 1949, page 190) which relates to the number and compensation of deputies appointed by the Sheriff of Limestone County.

By Mr. Wright (by request) (with notice and proof):

S. 68. Relating to Limestone County: To amend Section 2 of Act No. 120, S. 210 of 1947 (Local Acts of Alabama 1947, page 78) as amended by Act No. 68, S. 258 of 1949 (General and Local Acts of Alabama 1949, page 90) which relates to the employment of and compensation of a clerk for the Tax Collector of Limestone County.

By Mr. Wright (by request) (with notice and proof):

S. 67. Relating to Limestone County: To amend Section 2 of Act No. 201, H. 605 of 1947 (Local Acts of Alabama 1947, page 120) which relates to the number and compensation of chief clerk and assistant clerks appointed by the Probate Judge of Limestone County.

By Mr. Wright (by request) (with notice and proof):

S. 66. Relating to Limestone County: To amend Section 2 of Act No. 200, H. 604 of 1947 (Local Acts of Alabama 1947, page 119) as amended by Act No. 95, S. 264 of 1949 (General and Local Acts of Alabama 1949, page 121) which relates to the consolidation and combination of offices

of the Circuit Clerk, Register of the Circuit Court, Clerk of the Limestone County Court and Register of the Limestone County Court of Limestone County, Alabama; and to provide for the election, term of office and compensation of a Circuit Clerk of Limestone County and for an assistant clerk and his compensation.

By Mr. Wright (by request) (with notice and proof):

S. 65. Relating to Limestone County: To amend Section 2 of Act No. 95, H. 395 of 1947 (Local Acts of Alabama 1947, page 67) as amended by Act No. 67, S. 257 of 1949 (General and Local Acts of Alabama 1949, page 88) which relates to the employment and compensation of a regular clerk and temporary clerk by and for the Tax Assessor of Limestone County.

Mr. Lowe, Chairman of the Standing Committee on Agriculture reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Kimbrell:

S. 71. To repeal Section 66 of Title 2, Code of Alabama of 1940 which relates to the sale of commercial feed in Alabama.

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Thagard:

H. 33. To appropriate an additional twenty-five thousand dollars to the Alabama Milk Control Board for the fiscal year ending September 30, 1951.

RESOLUTION

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. Be it resolved by the State Senate of Alabama, the House of Representatives concurring, that this 7th Special Session, and "Lame Duck Legislature", when it adjourns today that it adjourn to meet again on Wednesday, October 25th, 1950, at 12 o'clock noon.

Be it further resolved that the members of the Legislature receive no per diem or expenses during said recess.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The bill:

H. 26. Proposing an amendment to the Constitution of Alabama relating to Fayette County, and ordering an election thereon.

Was taken up.

Mr. Kimbrell offered the following amendment to the bill, to-wit:

Amend H. R. No. 26 by striking from Section 2 the first sentence thereof and inserting the following:

"An election upon the proposed amendment is ordered to be held on the date of the next general election after January 1, 1951."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fite	Hughes	Patton	
Allen	Gaither	Johnston	Quarles	
Boutwell	Gulledge	Kimbrell	Russell	
Burnside	Hardwick	Lamberth	Swift	
Cater	Harvey	Lowe	Weathers	
Coleman	Hooton	Patterson	Wright	
Cooper	Howle			—25

Nays: —0

And said bill, as thus amended, was then read a third time at length as required by the Constitution and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Hughes	Patterson	
Allen	Fite	Johnston	Patton	
Boutwell	Gaither	Kendall	Quarles	
Burnside	Gulledge	Kimbrell	Russell	
Cater	Harvey	Lamberth	Swift	
Clayton	Hooton	Lowe	Weathers	
Coleman	Howle	Mize		—26

Nays: —0

The bill:

S. 49. To make an appropriation for the painting of the exterior of the State Capitol.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fite	Hughes	Patterson	
Allen	Gulledge	Johnston	Patton	
Boutwell	Hardwick	Kendall	Quarles	
Burnside	Harvey	Kimbrell	Russell	
Cater	Henderson	Lamberth	Swift	
Clayton	Hooton	Lowe	Weathers	
Coleman	Howle	Mize	Wright	
Cooper				—28

Nays: —0

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 19. Relative to adjournment of the Legislature until Wednesday, October 25, 1950.

Mr. Russell offered the following amendment to the Resolution, to-wit:

Amend S. J. R. 19 by striking all which follows the words "adjourns today" where the same appear therein and substitute in lieu thereof the following: "to meet Thursday October 19th, 1950, at 10:00 o'clock."

Mr. Patterson moved that said amendment be laid on the table, which motion was lost.

Yeas 6; Nays 23.

Yeas:

Messrs.:	Coleman	Lowe	Swift	
Clayton	Johnston	Patterson		—6

Nays:

Messrs.:	Fite	Hooton	Mize	
Allen	Gaither	Howle	Patton	
Boutwell	Gulledge	Hughes	Quarles	
Burnside	Hardwick	Kendall	Russell	
Cater	Harvey	Kimbrell	Weathers	
Cooper	Henderson	Lamberth	Wright	—23

And the amendment offered by Mr. Russell to the Resolution, S. J. R. 19, was then adopted.

And said Resolution, as thus amended, was then adopted by the Senate.

Yeas 18; Nays 8.

Yeas:

Messrs.:	Gaither	Hooton	Quarles	
Allen	Gulledge	Howle	Russell	
Boutwell	Hardwick	Kendall	Weathers	
Burnside	Harvey	Mize	Wright	
Cater	Henderson	Patton		—18

Nays:

Messrs.:	Cooper	Johnston	Patterson	
Clayton	Fite	Lowe	Swift	—8
Coleman				

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said committee in session, had acted on the following Resolution, and ordered same returned to the Senate with an adverse report, to-wit:

S. J. R. 16. Relative to \$10,000 expense allowance incurred in the prior fiscal year, and instructing Comptroller to draw warrants in the sum of \$10.00 per day for eleven days.

And said resolution was read and ordered placed on the adverse calendar.

NOTICE IN WRITING

Mr. Hooton offered the following notice in writing:

"Notice is hereby given that on the next Legislative Day motion will be made to take Senate Joint Resolution No. 16 off the adverse calendar".

Hooton.

Which was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Coburn:

H. 28. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO APPLY FOR LOCAL LAW

The Board of Commissioners of the City of Tuscumbia, Alabama, hereby gives notice that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary and corporate limits of the City of Tuscumbia in Colbert County are hereby altered, rearranged and extended so that all of the lands embraced within the following boundaries are within the corporate limits of such municipality:

A tract of land lying and being in Colbert County, State of Alabama in the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ in Section 7, Township 4, South, Range 11, West; and in Section 8, Township 4, South, Range 11, West, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and that part lying West of the present city limits of the City of Tuscumbia, Alabama, in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 8, all lying in Colbert County.

The above lands embrace the following subdivisions:

"Valdosta"

"Part of Valdosta, Addition One"

"Part of Resurvey of Lot 220, Valdosta Addition One"

The above lands are more particularly described as follows:

Beginning at the NW corner of the SW $\frac{1}{4}$ of Section 8, Township 4, South, Range 11, West, said point being a point on the existing city limits of the City of Tuscumbia, Alabama; thence South 3 degrees and 14 minutes, East 1318.56 feet to the NE corner of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 7, Township 4, South, Range 11 West; thence South 87 degrees and 21 minutes, West, 2615 feet to the NW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 7; thence South 3 degrees and 14 minutes East 1318.56 feet to the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 7; thence North 87 degrees and 21 minutes East 2615 feet to the SE corner of said Section 7; thence North 87 degrees and 21 minutes East 628.49 feet to the center line of Old Lee Highway, being also a point on the present city limits of the City of Tuscumbia, Alabama; thence North 29 degrees and 59 minutes East 3126.38 feet, along the present city limit of the City of Tuscumbia, Alabama; thence South, 87 degrees and 27 minutes West, 2341.35 feet to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CITY OF TUSCUMBIA, ALA.,

By LURLINE COOK,
City Clerk.

STATE OF ALABAMA
COLBERT COUNTY

Before me Lurline H. Cook the undersigned authority in and for said County in said State, this day personally appeared W. F. Miller, who, being by me first duly sworn, deposes and says that he is managing editor of the Colbert County Reporter, which is, and has been during the time herein mentioned, a newspaper of general circulation published in Tuscumbia, Colbert County, Alabama, and that certain notice of which the foregoing and attached notice is a true copy, was published in said newspaper once a week for four consecutive weeks, appearing in the issues of said newspaper published on the 20th and 27th days of July, and on the 3rd and 10th days of August, all in the year 1950.

W. F. MILLER.

Sworn to and subscribed before me, this 11th day of August, 1950.

LURLINE H. COOK,

Notary Public.

Also:

By Mr. Evans:

H. 44. Relating to Choctaw County: Levying a privilege tax upon every person engaging in the business of producing or severing oil or gas or other hydrocarbons from the soil or waters, or from beneath the soil or waters, of Choctaw County; to require all parties engaged in severing such natural resources to keep and maintain full and complete records of the severance of such resources; to prescribe the method of collecting and enforcing the payment of such tax; to provide for the distribution of the taxes collected; to provide for penalties and punishment and for restraining orders for the violation of the terms and provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA
COUNTY OF CHOCTAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Choctaw County: Levying a privilege tax upon every person engaging in the business of producing or severing oil or gas or other hydrocarbons from the soil or waters, or from beneath the soil or waters, of Choctaw County; to require all parties engaged in severing such natural resources to keep and maintain full and complete records of the severance of such resources; to prescribe the method of collecting and enforcing the payment of such tax; to provide for the distribution of the taxes collected; to provide for penalties and punishment and for restraining orders for the violation of the terms and provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The word "Collector" means the Tax Collector of Choctaw County. (b) The word "annual" means the calendar year, or the taxpayer's fiscal year, when permission is obtained from the Collector to use a fiscal year as a tax period in lieu of a calendar year. (c) The word "value" means the sale price or market value at the mouth of the well. If the oil or gas is exchanged for something other than cash, or if

there is no sale at the time of severance, or if the relation between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the Collector shall determine the value of the oil or gas subject to the tax hereinafter provided for, considering the sale price for cash of oil or gas of like quality. (d) The word "oil" means crude petroleum oil and other hydrocarbons regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the well. (e) The word "gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined as oil in subsection (d) above. (f) The word "severed" means the extraction or withdrawing from the soil or water or from below the surface of the soil or water of any oil or gas, whether such extraction or withdrawal shall be by natural flow, mechanically enforced flow, pumping, or any other means employed to get the oil or gas from the soil or water or from below the surface of the soil or water. (g) The word "person" means any natural person, firm, copartnership, joint venture, association, corporation, estate, trust, any other group or combination acting as a unit, and the plural as well as the singular number. (h) The word "producer" means any person engaging or continuing in the business of oil or gas production, which, for the purpose of this Act, includes the owning, controlling, managing, or leasing any oil or gas property or oil or gas well; and producing in any manner any oil or gas by taking it from the soil or waters, or from beneath the soil or waters, of Choctaw County, and further includes receiving money or other valuable consideration as royalty or rental for oil or gas produced or because of oil or gas produced, whether produced by him or by some other person on his behalf, either by lease, contract, or otherwise, and whether the royalty consists of a portion of the oil or gas produced being run to his account or a payment in money or other valuable consideration.

Section 2. (a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within Choctaw County in the business of producing or severing oil or gas as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the County for sale, transport, storage, profit, or for use. The amount of such tax shall be measured at the rate of one percentum (1%) of the gross value of said oil or gas at the point of production. (b) The tax is hereby levied upon the basis of the entire production in the County including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the County; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined, or unmanufactured condition.

Section 3. (a) The privilege tax hereby imposed is levied upon the producers of such oil or gas in the proportion of their ownership at the time of severance, but, except as otherwise herein provided, the tax shall be paid by the person in charge of the production operations, who is hereby authorized, empowered, and required to deduct from any amount due to producers of such production at the time of severance, the proportionate amount of the tax herein levied before making payments to such producers. The tax shall become due and payable as provided by this Act; and such tax shall constitute a first lien upon any of the oil or gas to be produced when in the possession of the original producer or any purchaser of such oil or gas in its unmanufactured state or condition. In the event the person in charge of production operations fails to pay the tax, then the Collector shall proceed against the producer to collect the tax in the manner hereinafter provided by this Act. (b) When any person in charge of production operations shall sell the oil or gas produced by him to any person under contracts requiring such purchaser

to pay all owners of such oil or gas direct, then the person in charge of the production operations may not be required to deduct the tax herein levied; but, in which event, such deduction shall be made by the purchaser before making payments to each owner of such oil or gas, and the purchaser in that case shall account for the tax; provided that nothing herein shall be construed as releasing the person in charge of production operations from liability for the payment of said tax. (c) When any person in charge of production operations shall sell oil or gas produced by him, or shall use or dispose of the oil or gas for fuel or any other purpose, he shall withhold the tax imposed by this Act; and, if he is required to pay other interest holders, he is hereby authorized, empowered, and required to deduct from any amounts due them the amount of tax levied and due under the provisions of this Act before making payment to them. (d) Every person in charge of production operations by which oil or gas is severed from the soil or waters, or from beneath the soil or waters, of Choctaw County who fails to deduct and withhold, as required herein, the amount of tax from sale or purchase price, when such oil or gas is sold or purchased under contract or agreement, or on the open market, or otherwise, shall be liable to the County for the full amount of taxes, interest, and penalties due the County; and the Collector shall proceed to collect the tax from the person in charge of production operations, under the provisions of this Act, as if he were the producer of the oil or gas.

Section 4. (a) The Collector is hereby authorized and directed to administer and enforce the provisions of this Act and to collect all of the taxes levied under the provisions hereof. Every person producing or in charge of production of oil and gas shall file monthly with the Collector a statement under oath, on forms the Collector prescribes, showing the location of each producing property operated or controlled by such producer during the last preceding monthly period; the number and kind of wells thereon; the kind of oil or gas produced; the gross quantity thereof produced; the actual cash value thereof at the time and place of production, including any and all premiums received from the sale thereof; the amount of tax due on the total gross production; the portion of gross production payable as royalty; and such other information as the Collector may require. (b) All persons engaged in the business of severing oil or gas are hereby required to keep full and complete records showing the nature, character, and volume of all such oil or gas severed, the value of such oil or gas at the point of production, the manner in which such oil or gas was disposed of, the prices or the consideration received for the sale thereof, and the quantity or volume of such oil or gas stored anywhere within or without Choctaw County; and such records shall at all reasonable times be open for inspection by representatives or agents of the Collector. (c) The Collector or its duly authorized representative or agent shall have the power and authority to inspect all records required to be kept under the provisions of this Act, to conduct hearings, and to compel the attendance of witnesses, for the purpose of determining the amount of taxes due under the terms and provisions of this Act.

Section 5. All reports required under the provisions of this Act shall be filed with the Collector on or before the 15th day of the calendar month and shall cover the preceding calendar month. If any person engaged in severing the natural resources herein defined shall fail or refuse to file a monthly report containing the information required under the provisions of this Act within the time prescribed, the Collector is hereby authorized and directed to assess a penalty of ten per cent (10%) of the amount of the taxes determined to be due. Such penalty may be waived for good and sufficient cause shown. All producers are hereby required to pay to the Collector all taxes accruing under the provisions of this Act for the period of time covered by the report herein required, and such payment shall accompany the required report.

Section 6. The Collector is hereby authorized and required to assess any taxes determined to be due and payable under the provisions of this Act against all producers, based upon reports received or information acquired from any source. The Collector is hereby authorized and directed to make assesment against any producer for any additional taxes which may be determined to be due as shown by any audit or any information coming into the possession of the Collector. When such assessment is made, the Collector shall give notice thereof by registered mail, with demand for return receipt, and shall set the date for a hearing on such assessment, not less than ten (10) days from the date the notice is mailed, and at said hearing the Collector shall determine from all the evidence produced the amount of tax or additional tax any producer owes to Choctaw County under the provisions of this Act. When a final assessment is made against any producer, notice thereof shall be given in like manner to such producer or his attorney of record.

Section 7. The Collector is hereby authorized and required to deduct the costs incurred by him in the collection of the taxes herein assessed, and the net remainder thereof shall be certified into the County Treasury for distribution as hereinafter provided.

Section 8. The net amount of all taxes herein levied and collected by the Collector, after they have been certified into the County Treasury, shall forthwith be allocated and distributed by the Treasurer to the credit of a Road and Bridge Fund for each of the several commissioners districts of the county, each district's Road and Bridge Fund being credited with the taxes collected on oil and gas produced in that district. The proceeds of the tax shall be used exclusively for the construction, repair and maintenance of the roads and bridges in the respective districts.

Section 9. All reports required to be filed under the provisions of this Act shall be made on blanks, furnished by the Collector, which shall contain the following certificate: "I hereby certify under oath that I am duly authorized to make this tax return; that the information herein contained is true and correct and same is shown by the records of the identified producer; and that the amount of taxes accompanying this return is the true and correct amount of taxes due Choctaw County by this producer." And same must be duly verified.

Section 10. Any party making or participating in a false tax return made under the provisions of this Act shall be guilty of perjury and, upon conviction, shall be punished in the manner prescribed by law.

Section 11. If it is brought to the attention of the Collector that any producer is guilty of violating any of the provisions of this Act, the Collector is hereby authorized and required, through lawfully authorized counsel, to proceed in the courts of the County to obtain a writ of injunction, which writ shall be granted by the court when applied for in the manner prescribed by law. The Collector, however, is hereby relieved of the requirement to furnish bond of any character.

Section 12. The provisions of this Act are severable. Should any part hereof be declared unconstitutional or invalid, such declaration shall not affect that which remains.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Matt L. Blount, who, being by me first duly sworn, deposes and says that during the times herein men-

tioned he was Publisher of the Choctaw Advocate, a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 14, Sept. 21, Sept. 28 and Oct. 5, all in the year 1950.

MATT L. BLOUNT.

Sworn to and subscribed before me October 9, 1950.

BEATRICE LANIER,
Notary Public.

Also:

By Mr. White (Covington):

H. 45. To impose extra, new and additional duties upon the President and associate members of the Board of Revenue of Covington County; to require an additional regular meeting of said board during each month; and to provide a monthly sum in payment of expenses for the performance of such extra duties and attendance upon said additional regular meeting.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICES

NOTICE OF LOCAL BILL

Notice is hereby given that a local bill will be introduced at this special session of the legislature. Said local bill will be substantially as follows:

A BILL TO BE ENTITLED AN ACT

To impose extra, new and additional duties upon the President and associate members of the Board of Revenue of Covington County, to require an additional regular meeting of said board during each month; and to provide a monthly sum in payment of expenses for the performance of such extra duties and attendance upon said additional regular meeting.

Be It Enacted by the Legislature of Alabama:

Section 1: It shall be the duty of the president and of each associate member of the Board of Revenue of Covington County, when requested by the county health officer, or without such request as such president or associate member deems proper, to inspect private or public premises in Covington County for the purpose of determining the presence of rodents or other carriers of disease and to discover the existence of any condition detrimental to the health of the people. Such inspections shall be made to the end that the Board may determine how much financial aid the County shall give in the execution of health programs recommended by the county health officers of Covington County.

Section 2: In addition to the single regular meeting required each month by the provisions of section 15, Act No. 22, Local Acts of 1945, p. 23, as said act was amended by Act No. 533, Local Acts of 1949, p. 844, said Board shall meet in regular session for the transaction of business on the last day of each month, but if said day is on Sunday, then said meeting shall be on the day next to the last day of the month.

Section 3: In payment of expenses incident to the performance of the extra duties imposed by Section 1 hereof and incurred in attending the additional meeting provided herein, the president and each associate

member of the Board shall receive the sum of \$50.00 monthly to be paid from the General Fund of the County by warrant issued by the Board and signed by the President.

Section 4: This act shall become effective immediately upon its passage and approval by the Governor.

31Aug4tch.

PROOF OF PUBLICATION

STATE OF ALABAMA COVINGTON COUNTY

Personally appeared before me, the undersigned authority Ed Dannelly, Editor of The Andalusia Star-News who being duly sworn, says that the attached Legals Notice of publication appeared in four successive issues of The Andalusia Star-News, a weekly newspaper published in said county, on the following dates: Aug. 31, Sept. 7, Sept. 14, Sept. 21, 1950.

This the 30 day of Sept., 1950.

ED DANNELLY.

Sworn to and subscribed before me this 30th day of September, 1950.

LORA JONES,
Notary Public.

Also:

By Mr. Buckner:

H. 46. Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL TO BE ENTITLED AN ACT

Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Cullman County shall receive the following annual salaries and allowances, in lieu of all other compensations:

- (a) Probate Judge—salary \$7,500, Clerk hire allowances, \$10,000.
- (b) Tax Assessor—salary \$4,500, Clerk hire allowances, \$2,500.
- (c) Tax Collector—salary, \$4,500, Clerk hire allowances, \$2,500.

Section 2. All fees, commission, allowances, percentages, charges and costs heretofore collected for the use of any of the officers enumerated in Section 1 of this Act shall be collected and paid into the general fund of the county. All such money collected during one calendar month shall be paid to said general fund on or before the tenth day of the following month.

Section 3. For failure to pay any money herein required to be paid to the county within the time herein fixed, the said officers shall be subject to a penalty of five per centum of the amount unlawfully withheld by him for each month the same is unlawfully withheld, said penalty to be recovered by Cullman County and converted into the general fund of the county.

Section 4. The compensation of the officers enumerated in Section 1 of this Act and of their clerks, deputies and assistants shall be paid in equal monthly installments as the salaries of their county employees are paid.

Section 5. Each of the officers enumerated in Section 1 of this Act shall select, discharge, and fix the salaries of his subordinates. But no officer shall use the allowance provided in Section 1 hereof for any purpose other than paying subordinates.

Section 6. The governing body of Cullman County is authorized to adopt rules and regulations for conducting and operating the county officers affected by this Act, if such are necessary as a result of changing the method and basis of compensation.

Section 7. The governing body of Cullman County shall provide the officers enumerated herein, with the necessary quarters, books stationery, office equipment, supplies, postage and other conveniences and equipment for the proper and efficient conduct of the affairs of their offices.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remains.

Section 9. All laws or parts of laws which conflict with this Act are repealed.

Section 10. This Act shall become effective as to the various officers affected by it, upon the expiration of the terms of office of the incumbents and upon the ratification and adoption of an amendment to the Constitution of Alabama authorizing such an Act.

August 17-24-31-Sept 7-c

THE STATE OF ALABAMA CULLMAN COUNTY

Before me, Paul R. Knight a Notary Public in and for said County and State, personally appeared J. R. Rosson, publisher of The Cullman Democrat, a weekly newspaper published in Cullman, Cullman County, Alabama, and being duly sworn, says, that the notice of which the attached is a true copy, was published in said newspaper once a week, for four successive weeks and being in the issues of the said newspaper of the following dates, viz Aug. 17, 24, 31, Sept. 7, 1950.

J. R. ROSSON,
Publisher.

Sworn to and subscribed before me this the 9th day of October, 1950.

PAUL R. KNIGHT,
Notary Public.

Also:

By Mr. Coburn:

H. 47. Relating to Colbert County, Alabama: To abrogate and abolish the criminal jurisdiction of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, and to provide for proceedings of such causes in the Colbert Law and Equity Court of Colbert County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF INTENTION TO APPLY FOR LOCAL LAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Colbert County, Alabama: To abrogate and abolish the criminal jurisdiction of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, and to provide for proceedings of such causes in the Colbert Law and Equity Court of Colbert County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The jurisdiction of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, including preliminary jurisdiction, in all criminal causes be and the same is hereby abrogated and abolished.

Section 2. Justices of the peace and notaries public ex-officio justices of the peace are hereby prohibited from having, assuming or considering any criminal causes whatsoever, including bastardy.

Section 3. The Colbert Law and Equity Court of Colbert County, Alabama, shall have and assume jurisdiction of all criminal causes both final and preliminary, including bastardy, which have heretofore been vested in courts of justices of the peace and notaries public ex-officio justices of the peace.

Section 4. All criminal causes pending at the effective date of this act in courts of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, shall proceed to judgment in such courts in the manner provided by law before the effective date of this act.

Section 5. Be it further enacted that any violation by any justice of the peace or notary public ex-officio justice of the peace in Colbert County, Alabama, of any of the provisions of this act is a misdemeanor and upon conviction shall be punished by a fine of not less than \$50.00 and not exceeding \$500.00 and may also be imprisoned in the County Jail or sentenced to hard labor for the County for not more than twelve months.

Section 6. That all laws and parts of laws in conflict herewith, be and the same are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

8-24-4tc.

STATE OF ALABAMA
COLBERT COUNTY

Personally appeared before me, Jack Reed, a Notary Public in and for the State of Alabama at Large, Walter F. Miller, who first being duly sworn deposes and says on oath that he is the Editor and Publisher of Colbert County Reporter, a weekly newspaper published in Colbert County, Alabama; that the attached notice was run in said paper for four consecutive weeks, beginning with the issue of August 24th, 1950, and ending with the issue of September 14th, 1950.

W. F. MILLER,

Editor and Publisher of Colbert County Reporter.

Sworn to and subscribed before me this 28th day of September, 1950.

JACK REED,
Notary Public,

State of Alabama at large.

Also:

By Mr. Adams (Dale):

H. 48. To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Collector of the County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given of the intention to introduce the following bill at the extraordinary session of the Legislature of Alabama:

A BILL TO BE ENTITLED AN ACT

To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Collector of the County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Dale County is authorized and directed to pay out of the County treasury the salaries of additional clerks for the Tax Collector, to be appointed by the Tax Collector who shall also fix their salaries at not more than one thousand two hundred dollars (\$1200) per annum.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA DALE COUNTY

Before me, a Notary Public in and for said County and State, personally appeared John Q. Adams who deposeth and sayeth that he is the Publisher of The Southern Star, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows: Sept. 7, 1950, Sept. 21, 1950, Sept. 14, 1950, Sept. 28, 1950.

JOHN Q. ADAMS,
Publisher.

Sworn to and subscribed before me this 10 day of October, 1950.

G. L. WELLS,
Notary Public.

My Commission expires Jan. 23, 1950.

Also:

By Mr. Adams (Dale):

H. 49. To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Assessor of the County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given of the intention to introduce the following bill at the extraordinary session of the Legislature of Alabama:

A BILL TO BE ENTITLED AN ACT

To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Assessor of the County.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Dale County is authorized and directed to pay out of the County treasury the salaries of additional clerks for the Tax Assessor, to be appointed by the Tax Assessor who shall also fix their salaries at not more than one thousand two hundred dollars (\$1200) per annum.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law

STATE OF ALABAMA
DALE COUNTY

Before me, a Notary Public in and for said County and State, personally appeared John Q. Adams who deposeth and sayeth that he is the Publisher of The Southern Star, a weekly newspaper published in said County and State, and that the notice attached hereto was published for 4 consecutive weeks, as follows: August 17, 1950, August 24, 1950, August 31, 1950, Sept. 7, 1950.

JOHN Q. ADAMS,
Publisher.

Sworn to and subscribed before me this 10 day of October, 1950.

G. L. WELLS,
Notary Public.

My Commission expires Jan. 23, 1950.

Also:

By Messrs. Givhan, Hardy and Molette:

H. 58. To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling, with like provisions in said city, such State of Alabama taxes as are levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only fifty per cent (50%) of the State levy provided by subdivisions (a), (b) and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of

the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to provide the governing body of said city with authority to call and hold an election to submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that the City of Selma, Alabama, a municipal corporation will apply for passage of a local law for said City of Selma at the 1950 special session of the Legislature of Alabama called to convene on August 9, 1950 and recessed until October 10, 1950, which local law reads as follows:

A BILL TO BE ENTITLED AN ACT

To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling, with like provisions in said city, such State of Alabama taxes as are levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only fifty per cent (50 per cent) of the State levy provided by subdivisions (a), (b), and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to provide the governing body of said city with authority to call and hold an election to submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, as herein provided, may levy, in

addition to all other taxes of every kind now imposed by law, and may collect as herein provided, an additional, special privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates, against gross sales, or gross receipts, as the case may be, as follows: (a) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1 per cent) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required by said city on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevills, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within said city, or any athletic association thereof, or other association whether such institution or association be denominational, a state, a county, or a municipal institution or association or a state, county, or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the City of Selma, Alabama, an amount equal to one per cent (1 per cent) of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in the business of selling any automotive vehicles or truck-trailer or semi-trailer, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1 per cent) of the gross proceeds of the sale of said automotive vehicle, or truck-trailer, or semi-trailer. (d) The tax which may be levied hereunder shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof.

Section 2. The taxes which may be levied, together with the interest and penalties which may be imposed under the authority of this act, shall be a lien upon the property of any person, firm or corporation due said taxes to the City of Selma, Alabama, and all of the provisions of the Revenue Laws of the State of Alabama applying to or with reference to the enforcement of liens for license taxes due the State of Alabama shall apply fully to the collection of the taxes which may be levied hereunder.

Section 3. The taxes which may be levied hereunder shall constitute a debt due the City of Selma for the uses and purposes authorized herein and may be collected by civil suit in addition to the methods provided by law or herein otherwise provided.

Section 4. The taxes which may be levied hereunder shall be collected by and paid to the Treasurer of the City of Selma, Alabama in

his official capacity. All reports required to be made to the Commissioner of Revenue of the State of Alabama as to State sales taxes under Section 752 through Section 786, Article Ten of Chapter 20 of Title 51 of the Code of Alabama as to such taxes which may be levied hereunder, shall be made to the Treasurer of the City of Selma, Alabama, in his official capacity and as to the taxes which may be levied hereunder, the said Treasurer of the City of Selma, Alabama shall have and exercise the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Section 752 through Section 786 and by Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama; and amendments thereto as to State taxes therein levied.

There may be deducted out of the proceeds of said taxes such reasonable expenses for clerk hire and other expenses incurred by the Treasurer of the City of Selma, Alabama in the collection, handling and disbursing of said monies as may be approved by the governing body of the City of Selma, Alabama.

Section 5. The taxes which may be imposed hereunder shall be in addition to all other licenses and taxes which may be levied by the City of Selma, Alabama, and a condition precedent to engaging in any business which may be taxable hereunder in the City of Selma, Alabama, except as herein otherwise specifically provided.

Section 6. The taxes which may be levied hereunder shall be due and collected at the times and in the manner as set out in Section 752 through Section 786 and in Article Ten of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, and all of the methods and provisions given to the State of Alabama as to the collection of said taxes under the provisions of Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of said Code of Alabama, and amendments thereto, are given hereby to the City of Selma, Alabama and to the Treasurer of the City of Selma, Alabama, for the use of the City of Selma, Alabama, as to the taxes which may be levied hereunder, except as herein otherwise specifically provided.

Section 7. Every person, firm or corporation, association or co-partnership engaged in or continuing within the City of Selma, Alabama in the business for which a license or privilege tax may be required under the authority of this act shall add to the sales price and collect from the purchaser on all sales upon the gross receipts or gross proceeds, of which there shall be levied by the City of Selma under the authority of this act a sales tax at the rate of one per cent (1 per cent) an amount equal to the following: No amount on sales of thirty cents (30c) or less, one cent (1c) on sales of thirty-one cents (31c) and over, but not in excess of One Dollar thirty cents (\$1.30); one cent (1c) additional for each One Dollar (\$1.00) or fraction thereof in excess of One Dollar thirty cents (\$1.30), provided, however, that upon all sales the gross receipts or gross proceeds of which shall be taxed by the City of Selma under the authority of this act at the rate of one-fourth ($\frac{1}{4}$) of one per cent (1 per cent), there shall be added to the sales price and collected from the purchaser by such person, firm, corporation, association or co-partnership described in this act, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1 per cent) of such sales price. It shall be unlawful for any person, firm, corporation, association or co-partnership described in this act to fail or refuse to add to the sales price and collect from the purchaser the amount authorized to be levied by this act to be so added to the sales price and collected from the purchaser; and it shall likewise be unlawful to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption or refund of the amount required to be added to the sales price and collected from the purchaser, or any portion of such amount. Any person, firm, corporation, association or co-partnership who shall violate any of the provisions of this act shall be guilty of a misdemeanor against the City of Selma, Alabama and, upon conviction, shall be fined by the Recorder of the City of Sel-

ma, Alabama in a sum of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars, or may be imprisoned in the City Jail for not more than six (6) months or by both such fine and imprisonment, and each act and violation of the provisions of this section shall constitute a separate offense. The provisions of this section that there shall be added to the sales price and collected from the purchaser by the City of Selma, Alabama the amounts provided herein shall in no way relieve the person, firm, corporation, association or co-partnership described in this act of the tax which may be levied by the City of Selma, Alabama under the authority of this Act; nor shall the inability, impracticability, refusal or failure to add to the sales price and collect from the purchaser the amounts provided herein relieve such person, firm, corporation, association or co-partnership from the tax which may be levied by the City of Selma, Alabama under the authority of this act.

Section 8. (a) Seventy-five per cent (75 per cent) of the net revenues arising from the taxes which may be levied by the City of Selma, Alabama under the authority of this act shall be allocated and used exclusively for public school purposes in the City of Selma, and to include the maintenance and operation of public schools and the construction and improvement of public school buildings and grounds and the payment of the salaries of teachers and other school employees, and the purchase of lands to be used for public school purposes.

(b) Twenty-five per cent (25 per cent) of the net revenues arising from said taxes shall be allocated and used exclusively for constructing, maintaining, repairing, operating, expanding and improving the storm water drainage system of said city in said city.

(c) The City of Selma shall have the right and authority to use the net revenues which arise from said taxes under the authority of this act to the payment of indebtedness contracted by the City for public school purposes, including the maintenance and operation of public schools and the construction and improvement of public school buildings and grounds and the payment of the salaries of teachers and other school employees, and the purchase of lands to be used for public school purposes, and also for constructing, maintaining and repairing, operating and improving the storm water drainage system of said city in said city, or to any one or more of these purposes, in the proportions allocated and provided in Section 8 (a) and Section 8 (b) of this act.

Section 9. Any person who shall be subject to legislation which may be hereafter adopted by the governing body of Selma under the authority of this act who shall fail to make the reports or any of them, as required, or who shall fail to keep the records as required, shall be guilty of a misdemeanor against the City of Selma and, upon conviction, shall be fined not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense, and each month of such failure shall constitute a separate offense.

Section 10. Any person who shall be subject to legislation which may be hereafter adopted by the governing body of Selma under the authority of this act who shall willfully refuse to make the reports as required by said city, or who shall refuse to permit the examination of his records by the City of Selma, or its duly authorized agents, shall be guilty of a misdemeanor against the City of Selma, and, upon conviction, shall be fined not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars for each offense and, in addition, may be imprisoned in the City Jail for a period of not to exceed six (6) months. Each month of failure to make such reports shall constitute a separate offense and each refusal of a written demand of the City of Selma to examine, inspect or audit such records shall constitute a separate offense.

Section 11. Any person who shall be subject to legislation which may be hereafter adopted by the governing body of Selma under the

authority of this act who shall violate any of the provisions of such legislation may be restrained by the City of Selma from continuing in business and the proper prosecution shall be instituted in the name of the City of Selma by its City Attorney until such person shall have complied with the provisions of such legislation.

Section 12. Before any tax is levied under the authority of this act, the governing body of said city shall first submit the question as to whether or not such tax shall be levied, the length of time it shall run, not exceeding twenty (20) years, and the rate of the tax, to the qualified electors of said city at an election, which said election shall be called in the following manner: The governing body of said city shall pass a resolution reciting that, in the opinion of said governing body, it is to the interest of said city that such taxes shall be levied for the purpose authorized in this act and calling upon the Mayor and Clerk of said city, in their official capacities, to call an election for the purpose of submitting to the qualified electors of said city the question as to whether or not the taxes authorized hereunder shall be levied, stating the rates proposed and the time which the said taxes shall run. Upon such certificate said Mayor and Clerk of said city shall by proclamation, call an election, which proclamation shall be in substance as follows: "To the Electors of the City of Selma, Alabama: The City Council of the City of Selma, Alabama having passed a resolution reciting that it is to the interest of the City of Selma that an additional, special privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, shall be levied as follows: (a) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1 per cent) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required by said city on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevills, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution within said city, or any athletic association thereof, or other association whether such institution or association be denominational, a state, a county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to be public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the City of Selma, Alabama, an amount equal to one per cent (1 per cent) of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in the business of selling any automotive vehicles or truck-trailer or semi-trailer, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1 per cent) of the gross proceeds of the sale of said automotive vehicle, or truck-trailer or semi-trailer. (d)

That the tax which may be levied shall be subject to all the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof, for a period of twenty (20) years, and which said resolution requests the undersigned officials to call an election to submit to the qualified electors the aforesaid proposition.

Now, therefore, an election be and is hereby called to be held at the regular polling places in the City of Selma, Alabama on the _____ day of _____, 19_____, at which said election the question as to whether or not the said taxes shall be levied in said city shall be voted upon by the qualified electors of said city.

Witness our hands this the _____ day of _____, 19_____.

As Mayor

As Clerk"

Notice of said election shall be given by publication of the aforesaid proclamation once a week for four (4) consecutive weeks in any newspaper published in Dallas County, Alabama. The said election shall be held, conducted and canvass of the returns thereof made and certified in the same manner as elections for city officers. Except as herein otherwise provided, the general statute relating to the election for city officers shall govern in elections held hereunder. The Mayor of Selma shall cause ballots to be printed and distributed at such election which said ballot shall be in substance as follows: "Shall an additional special privilege or license tax against the person on account of the business activities in the amount to be determined by the application of rates against gross sales or gross receipts, as the case may be, be levied as follows: (a) upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama, in business of selling at retail any tangible personal property whatsoever, including merchandise, and commodities of every kind and character, (not including, however, bonds or other evidences of debt or stocks), an amount equal to one per cent (1 per cent) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required by said city on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business. (b) Upon every person, firm or corporation engaged, or continuing within the City of Selma, Alabama in the business of conducting, or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theatres, opera houses, moving picture shows, vaudevills, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within said city, or any athletic association thereof, or other association whether such institution or association be denominational, a state, a county, or a municipal institution or association or a state, county or city school or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the City of Selma, Alabama,

an amount equal to one per cent (1 per cent) of the gross receipts of any such business. (c) Upon every person, firm or corporation engaged or continuing within the City of Selma, Alabama, in the business of selling any automotive vehicles or truck-trailer or semi-trailer, an amount equal to one-fourth ($\frac{1}{4}$) of one per cent (1 per cent) of the gross proceeds of the sale of said automotive vehicle, or truck-trailer or semi-trailer. (d) The tax which may be levied shall be subject to all exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines and punishments and deductions set out in Section 752 through Section 786 and Article Ten of Chapter 20 of Title 51 of the Code of Alabama, and amendments thereof, except where inapplicable or where herein otherwise provided, all of which are adopted and made a part hereof by reference, including the provisions for the enforcement and collection thereof, for a period of twenty (20) years, commencing on the _____ day of _____, 19____, and under the said above writing shall appear on the left hand side the words "For said tax" with appropriate lines or brackets marked "Yes," and on the right hand side the words "Against said Tax" with appropriate lines or brackets marked "No," and the person desiring to vote shall indicate his choice by marking a cross mark on the line or bracket opposite or under the words "Yes" or "No", whichever shall indicate his choice. The Mayor and Clerk of said city shall certify the results of said election to the City Council of said city and, if a majority voting at said election shall have voted for such tax, the said City Council may, at its next regular meeting after such certificate is received by it, impose said tax in the amounts and for the time submitted on the ballot.

Section 12. The City of Selma, Alabama may by proper legislation, in the event the taxes authorized to be levied hereunder are levied, allow a discount, not to exceed three per cent (3 per cent) of said taxes and due and payable to said city by any person, firm or corporation licensed under the provisions hereof. Provided, however, that no discount shall be authorized or allowed upon any such taxes which are not paid before delinquency, as in this act provided.

Section 13. Should any section, paragraph or portion of this act be declared unconstitutional, it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 14. This act shall go into effect immediately upon its passage and approval, or its otherwise becoming law.

THE STATE OF ALABAMA

THE COUNTY OF DALLAS

Before me, R. Randolph Smith, a Notary Public in and for said County in said State, personally appeared Mrs. F. T. Raiford, who is known to me and who, being first duly sworn, deposes and says as follows:

My name is Mrs. F. T. Raiford. I am Publisher and General Manager of The Selma Times Journal, a daily newspaper published in Selma, Dallas County, Alabama.

Attached hereto is a true copy of a notice published in The Selma Times Journal on the following dates: September 3, 1950, September 10, 1950, September 17, 1950 and September 24, 1950. Said notice was published by the City of Selma, Alabama in conformity with Section 106 of the Constitution of the State of Alabama and pertains to a sales tax for the City of Selma, Alabama.

MRS. F. T. RAIFORD,
Publisher and General Manager,
The Selma Times Journal.

Sworn to and subscribed before me this the 9th day of October, 1950.

R. RANDOLPH SMITH,
Notary Public, Dallas County, Alabama.
My Commission Expires January 3, 1953.

Also:

By Mr. Beck:

H. 64. To amend "An act to establish a county court for DeKalb County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court, to provide for the transfer of certain causes now and hereafter pending in the Circuit Court and the Probate Court of DeKalb County, Alabama, to the cases pending in said DeKalb County Court to the equity side of the Circuit Court of DeKalb County, Alabama", acts No. 179, approved July 22, 1927, as amended, by amending Section 5 thereof to read as hereafter set out.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA DEKALB COUNTY

Notice is hereby given that at the next special 1950 session of the Legislature of Alabama, a bill substantially as follows will be introduced and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend "An act to establish a county court for DeKalb County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court, to provide for the transfer of certain causes now and hereafter pending in the Circuit Court and the Probate Court of DeKalb County, Alabama, to the cases pending in said DeKalb County Court to the equity side of the Circuit Court of DeKalb County, Alabama," acts No. 179, approved July 22, 1927, as amended, by amending Section 5 thereof to read as hereafter set out.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of the act No. 179, as amended, approved July 22, 1927, which relates to the DeKalb County Court, of DeKalb County, Alabama, is amended to read as follows: Section 5. That the judge of said Court shall receive a salary of Four Thousand, Eight Hundred Dollars per annum payable in equal monthly installments out of the county treasury at the end of each month, his signed receipt being required.

Section 2. That this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

(8-23-4t)

CERTIFICATE OF PUBLICATION

I, E. O. Davidson, hereby certify that I am the Editor and Publisher of the Fort Payne Journal, a newspaper published in Fort Payne, DeKalb County, Alabama. I further certify that the following notice was published in the Fort Payne Journal on the following dates: August 23, August 30, September 6, and September 13, 1950.

E. O. DAVIDSON.

STATE OF ALABAMA
DEKALB COUNTY

Subscribed to and sworn to before me, this the 13th day of September, 1950.

JOHN T. BLACK,
Notary Public.

My commission expires March 21, 1953.

Also:

By Mr. Morring:

H. 65. Relating to the compensation of the judge of the Inferior Court of any municipality in the State which has a population of not more than 15,000 and not less than 13,000 inhabitants.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which, are set out in the foregoing message from the House, were severally read and referred to appropriate Standing Committee, as follows:

H. B.'s 28, 44, 45, 46, 47, 48, 49, 58, 64 and 65—To the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following bill:

H. 26. Proposing an amendment to the Constitution of Alabama relating to Fayette County, and ordering an election thereon.

R. T. GOODWYN, JR.,
Clerk.

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the unfinished business of yesterday which was the bill:

S. 10. To provide further regulations governing the administration of pardons and paroles and the remission of fines and forfeitures; providing for the employment of a Parole Clerk and making an appropriation for the payment of his salary.

Mr. Fite moved that said bill be removed from the calendar and rereferred to the Standing Committee on Judiciary.

Mr. Henderson moved to lay on the table the motion to rerefer.

RECESS

At 1:10 P. M. on motion of Mr. Patterson, and pending further consideration of Senate Bill 10, the Senate took a recess until 2:30 o'clock this afternoon.

AFTERNOON SESSION

SIXTH LEGISLATIVE DAY

WEDNESDAY, OCTOBER 18, 1950

The Senate reassembled at 2:30 P. M., Lieutenant-Governor Inzer presiding.

ROLL CALL

Present:

Messrs.:	Fite	Howle	Patterson
Allen	Gaither	Hughes	Patton
Boutwell	Gulledge	Johnston	Quarles
Burnside	Hardwick	Kendall	Russell
Cater	Harvey	Lamberth	Swift
Clayton	Henderson	Lowe	Weathers
Coleman	Hooton	Mize	Wright
Cooper			

—28

REPORTS OF COMMITTEES

Mr. Patterson, Chairman of the Standing Committee on Education reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Mize:

S. 64. To authorize the allocation and disbursement of Federal funds deposited in the State Treasury of Alabama for educational purposes to county and city boards of education to meet anticipated monthly current operation obligations in accordance with laws and regulations governing the expenditure of such funds as certified to by the State Superintendent of Education.

Mr. Russell, Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate without recommendation, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weaver (with notice and proof) (without recommendation):

H. 19. To repeal an act entitled "An Act To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; to provide for a secretary and treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama," approved September 5, 1939, (Act No. 333, H. 815, Mayhall; Local Acts, 1939, pages 221-225); to create and establish a Board of Revenue for Winston County, Alabama, to be composed of five members, one of whom shall be chairman; to invest said Board of Revenue with exclusive jurisdiction, authority, and power over public roads and bridges and over public road and bridge funds in and for said county; to define the powers, jurisdiction, authority, duties, and responsibilities of said Board of Revenue and its members (including its chairman) to divide Winston County into five

civil districts; to provide for the election of one member of said Board of Revenue from each of said civil districts at the general election to be held in November, 1956, and every six years thereafter; to provide for the filling of vacancies in said offices by appointment by the Governor of Alabama; to provide that the members of the Winston County Highway Board as constituted at the time of the passage of this act shall constitute the members of said Board of Revenue until the first Tuesday after the second Monday in January, 1957, and until their successors are elected and qualified; to fix the qualifications of the members and chairman of said Board of Revenue; to fix the term of office of said members at six years, such terms to begin on the first Tuesday after the second Monday in January of the year 1957 and every sixth year thereafter; to fix the compensation of the members and chairman of said board at the same rate which has heretofore been provided for the members of the Winston County Highway Board until the first Tuesday after the second Monday in January, 1951, after which date the compensation of each member, including the chairman, shall be \$225.00 per month; to provide where the members of said Board shall reside during their terms of office; to provide the times when said board shall meet; to provide for a Secretary and Treasurer of said Board to be appointed by said Board, and to define his duties and fix his compensation at the same rate which has heretofore been provided for the Secretary and Treasurer of the Highway Board of said County, until the first Tuesday after the second Monday in January, 1951, after which date such salary shall be \$175.00 per month; to regulate purchase made by said Board of Revenue, and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Messrs. Wallace, Coburn, Merrill, Roberts, Harris and Givhan:

H. 72. To increase the compensation of the State Auditor, the Secretary of State and the State Treasurer to the extent of \$1200.00 per annum.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 72—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bills:

By Mr. Miller:

H. 62. To amend Section 1 of Act No. 301, S. 222, approved August 14, 1947, which Act makes annual appropriations to provide old age assistance to certain retired school teachers.

Also:

By Messrs. Beck and Miller:

H. 63. To make a deficiency appropriation to the Teachers' Special Pension Fund created by, or provided for in, Act No. 209, S. 62, approved

July 7, 1945, and Act No. 301, S. 222, approved August 14, 1947, to supplement the benefits paid under said Acts.

Also:

By Messrs. Taylor (Autauga), Merrill, Martin and Lovelace:

H. 54. To make a transfer of funds appropriated to the use of the Legislative Reference Service for expenses to the Service's appropriation for salaries.

Also:

By Messrs. Sullivan, Harris, Morring, Miller, Weaver, Stewart, Inzer, Coburn, O'Neal, Rogers, Roberts, Benford, Armstrong, Buckner:

H. 71. To ratify, confirm and validate the allocation and distribution heretofore made by the State of Alabama Building Commission of the sum of \$65,000.00 to each of the Regional Tuberculosis Sanatoria located in District No. 1 at Decatur, Alabama and in District No. 4, Etowah County, Alabama.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 62 and 63—To the Committee on Finance and Taxation.

H. B. 54—To the Committee on Judiciary.

H. B. 71—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Wallace, Adams (Dale), Merrill, White (Perry), Martin, Lovelace, Thomas and Brassell:

H. 34. To provide old-age and survivors insurance for certain officers and employees of the State and local governments and making appropriations therefor.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 34—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Patterson:

S. J. R. 19. Relative to the Senate and House of Representatives meeting again on Thursday, October 19th, 1950, at 10:00 o'clock.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Ingalls:

H. B. 73. To amend Section 543 of Title 51, Code of Alabama (1940), which relates to privilege license, and provides for retroactive effect thereof.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 73—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Miller and Ganey:

H. 66. To fix the salary of the State Superintendent of Education.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 66—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 26. Proposing an amendment to the Constitution of Alabama relating to Fayette County, and ordering an election thereon.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had

been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the Bill:

S. 10. To provide further regulations governing the administration of pardons and paroles and the remission of fines and forfeitures; providing for the employment of a Parole Clerk and making an appropriation for the payment of his salary.

The question recurred on the motion of Mr. Henderson to lay on the table the motion of Mr. Fite to rerefer said bill to the Standing Committee on Judiciary, and the motion to table was lost.

Yeas 10; Nays 16.

Yeas:

Messrs.:	Gulledge	Lowe	Swift	
Allen	Henderson	Patton	Weathers	
Cater	Johnston	Quarles		—10

Nays:

Messrs.:	Gaither	Howle	Mize	
Boutwell	Hardwick	Hughes	Patterson	
Clayton	Harvey	Kendall	Russell	
Coleman	Hooton	Lamberth	Wright	
Fite				—16

RESOLUTION

Mr. Patterson offered the following Senate Joint Resolution, to-wit:

S. J. R. 20. WHEREAS the State has suffered a great loss in the passing of Mrs. Birdie Inzer Doster, the sister of the distinguished Lieutenant Governor of Alabama and a civic and religious leader who contributed substantial services to the progress and culture of her community and this State; now therefore

Be it Resolved by the Senate, the House Concurring, That the passing of Mrs. Doster is deeply mourned and her memory revered, and the sympathy of the members of the two Houses is hereby extended to her bereaved relatives.

On motion of Mr. Patterson the Rules were suspended and the Resolution adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Messrs. Duffie, Beatty and Gibson:

H. 74. To amend Section 1 of Act No. 607, S. 202, approved October 9, 1947 (General Acts of Alabama, 1947, page 456) entitled "An Act To make an annual appropriation to provide a retirement benefit to any State employee who had attained age 60 on or before October 1, 1945; who declined membership in the Alabama Employees' Retirement System in the manner prescribed in Section 3 of Act 515, approved July 9, 1945; and who retires with a minimum of 15 years of service as a state employee; and to provide a supplement to the retirement benefit of any state employee who had attained age 60 on October 1, 1945, and who is or

will be retired under the provisions of Act 515, approved July 9, 1945 with a minimum of 15 years of service as a state employee, and who is not entitled under the provisions of said Act 515 to receive a retirement benefit in excess of \$60.00 per month; to set forth the requirements under which said retirement and supplemental benefits shall be granted; and to provide for the management of the fund appropriated by this act."

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 74—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bills:

By Mr. Benford:

H. 42. To repeal Act No. 263, S. 403, approved July 22, 1949 (Acts of Alabama, 1949, page 388), entitled "An Act To prohibit any person who carries mail under a contract with the United States from carrying passengers; to apply in and only in counties having a population of not less than 36,500 nor more than 42,400 inhabitants according to the most recent federal census."

Also:

By Mr. Dumas:

H. 50. To provide that the tax anticipation bonds, warrants or certificates of indebtedness issued pursuant to a constitutional amendment proposed by Act No. 570 of 1949, General Acts of Alabama of 1949, pp. 897-899, submitted December 13, 1949, and proclaimed ratified December 21, 1949, are authorized investments for any fiduciary.

Also:

By Messrs. Merrill, Martin, and Lovelace:

H. 51. Relating to powers of committees of the Legislature of Alabama or of either House thereof; empowering legislative committees to investigate any subject respecting which they may desire information in aid of the proper discharge of their functions; providing for the compulsory attendance of witnesses; prescribing penalties for contempts and false swearing.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 42—To the Committee on Local Legislation.

H. B.'s 50 and 51—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Wallace:

H. 35. To provide for educational benefits to children and widows of deceased veterans; to provide for educational benefits for the children, wives and veterans who are suffering from a 40% or more service-connected disability; and to provide for correspondence and extension courses for veterans.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 35—To the Committee on Finance and Taxation.

BILLS ON THIRD READING

The bill:

S. 55. To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling, with like provisions in said city, such State of Alabama taxes as are levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only fifty per cent (50%) of the State levy provided by subdivisions (a), (b) and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to provide the governing body of said city with authority to call and hold an election to

submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Cooper	Johnston	Quarles	
Allen	Gulledge	Kendall	Russell	
Boutwell	Hardwick	Lowe	Swift	
Cater	Henderson	Mize	Weathers	
Clayton	Hooton	Patton	Wright	
Coleman	Hughes			—21

Nays: —0

The bill:

S. 53. To ratify, confirm and validate the allocation and distribution heretofore made by the State of Alabama Building Commission of the sum of \$65,000.00 to each of the Regional Tuberculosis Sanatoria located in District No. 1 at Decatur, Alabama and in District No. 4, Etowah County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Johnston	Quarles	
Allen	Hardwick	Kendall	Russell	
Boutwell	Harvey	Lamberth	Summerlin	
Burnside	Henderson	Lowe	Swift	
Cater	Hooton	Mize	Weathers	
Clayton	Howe	Patterson	Wright	
Coleman	Hughes	Patton		—26

Nays: —0

The bill:

S. 52. To fix the salary of the Deputy Solicitor of Geneva County.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Cooper	Johnston	Quarles	
Allen	Gulledge	Lamberth	Russell	
Boutwell	Hardwick	Lowe	Swift	
Cater	Henderson	Mize	Weathers	
Clayton	Hooton	Patton	Wright	
Coleman	Hughes			—21

Nays: —0

The bill:

S. 42. For the relief of Mrs. Harry S. Parker as compensation for the death of her husband, Harry S. Parker, deceased, of Calhoun County, Alabama, as the result of injury received while he was in the line of and performing his duties as a road employee of Calhoun County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gaither	Howle	Lamberth	
Allen	Gulledge	Hughes	Lowe	
Boutwell	Hardwick	Johnston	Patton	
Burnside	Harvey	Kendall	Quarles	
Cater	Henderson	Kimbrell	Russell	
Fite	Hooton			—21
Nays:				—0

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said committee, in session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day approved by the Senate.

ADJOURNMENT

At 4 P. M. on motion of Mr. Lowe and in accordance with joint resolution heretofore adopted, and pending further consideration of S. B. 10, the Senate adjourned until tomorrow October 19, 1950 at 10 A. M.

SEVENTH LEGISLATIVE DAY

THURSDAY, OCTOBER 19, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Dr. Henry Russell, Minister, Trinity Presbyterian Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Fite	Hooton	Patton	
Barrett	Gaither	Howle	Russell	
Boutwell	Gulledge	Kimbrell	Weathers	
Burnside	Harvey	Lamberth	Wright	
Cater	Henderson			—17

A quorum of the Senate failed to answer on a call of the Roll.

At 11:30 A. M., on motion of Mr. Henderson, and in accordance with the provisions of Section 52 of the Constitution, the Senate adjourned until 10 o'clock A. M. Friday, October 20, 1950.

EIGHTH LEGISLATIVE DAY

FRIDAY, OCTOBER 20, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Rev. J. H. Brown, Pastor, Highland Gardens Baptist Church, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Clayton	Harvey	Mize
Allen	Coleman	Henderson	Quarles
Barrett	Fite	Howle	Russell
Boutwell	Gaither	Kendall	Summerlin
Burnside	Gulledge	Lamberth	Wright
Cater	Hardwick	Lowe	

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JOURNAL

On motion of Mr. Cater the reading of the Journals of the Senate for the sixth and seventh legislative days was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Lamberth leave of absence was granted Mr. Patterson for today.

On motion of Mr. Gulledge leave of absence was granted Mr. Johnston for today.

RESOLUTIONS

Mr. Mize offered the following Senate Joint Resolution, to-wit:

Authorizing the Board of Trustees of the University of Alabama to designate a dormitory for women students as "Adams-Parker Dormitory."

S. J. R. 21. Whereas the Board of Trustees of the University of Alabama has indicated its disposition to designate a dormitory for women students as "Adams-Parker Dormitory" in honor of Miss Anna Adams and Miss Bessie Parker, the first women students to enter the University after the inauguration of the co-educational system; therefore

Be it Resolved by the Senate of Alabama, the House of Representatives concurring, That the Board of Trustees of the University of Alabama is hereby authorized to designate a dormitory for women students as the "Adams-Parker Dormitory."

And on motion of Mr. Mize the Rules were suspended and the Resolution adopted by the Senate.

Mr. Mize offered the following Senate Joint Resolution, to-wit:

Authorizing the Board of Trustees of the University of Alabama to designate the building used for the School of Commerce and Business Administration as "Bidgood Hall."

S. J. R. 22. Whereas the Board of Trustees of the University of Alabama has indicated its disposition to designate the building on the University Campus used for the School of Commerce and Business Administration as "Bidgood Hall" in recognition of the services rendered

to the University by Dean Lee Bidgood, who has served the University for the past thirty years as Dean of the School of Commerce and Business Administration; therefore

Be it Resolved by the Senate of Alabama, the House of Representatives concurring, That the Board of Trustees of the University of Alabama is hereby authorized to designate the building used by the School of Commerce and Business Administration at the University of Alabama as "Bidgood Hall."

On motion of Mr. Mize the Rules were suspended and the Resolution adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Henderson:

S. 76. To amend Section 8 of Act No. 323, approved August 2, 1949, entitled "An Act to provide for a refund of a portion of the State tax paid on gasoline when the gasoline is used in propelling or operating tractors used exclusively for Agricultural purposes; prescribing a procedure for effecting refunds; authorizing the Commissioner of Revenue to issue permits and make rules and regulations to administer the Acts; defining violations of the Act and prescribing penalties therefor."

By Messrs. Wallace, Adams (of Dale), Merrill, White (of Perry), Martin, Lovelace, Thomas and Brassell:

H. 34. To provide old-age and survivors insurance for certain officers and employees of the State and local governments and making appropriations therefor.

By Messrs. Patton and Hardwick:

S. 63. To provide old-age and survivors insurance for certain officers and employees of the State and local governments and making appropriations therefor.

By Messrs. Miller and Ganey:

H. 66. To fix the salary of the State Superintendent of Education.

By Messrs. Wallace, Coburn, Merrill, Roberts, Harris and Givhan:

H. 72. To increase the compensation of the State Auditor, the Secretary of State and the State Treasurer to the extent of \$1200.00 per annum.

By Messrs. Sullivan, Harris, Moring, Miller, Weaver, Inzer, Coburn, O'Neal, Rogers, Roberts, Benford, Armstrong and Buckner, Stewart:

H. 71. To ratify, confirm and validate the allocation and distribution heretofore made by the State of Alabama Building Commission of the sum of \$65,000.00 to each of the Regional Tuberculosis Sanatoria located in District No. 1 at Decatur, Alabama and in District No. 4, Etowah County, Alabama.

By Mr. Ingalls:

H. 73. To amend Section 543 of Title 51, Code of Alabama (1940), which relates to privilege license, and provides for retroactive effect thereof.

By Mr. Wallace:

H. 35. To provide for educational benefits to children and widows of deceased veterans; to provide for educational benefits for the chil-

dren, wives and veterans who are suffering from a 40% or more service-connected disability; and to provide for correspondence and extension courses for veterans.

Mr. Russell, Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Beck (with notice and proof):

H. 64. To amend "An Act to establish a county court for DeKalb County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court, to provide for the transfer of certain causes now and hereafter pending in the Circuit Court and the Probate Court of DeKalb County, Alabama, to the cases pending in said DeKalb County Court to the equity side of the Circuit Court of DeKalb County, Alabama", acts No. 179, approved July 22, 1927, as amended, by amending Section 5 thereof to read as hereafter set out.

By Mr. Buckner (with notice and proof):

H. 46. Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

By Mr. Adams (of Dale) (with notice and proof):

H. 49. To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Assessor of the County.

By Mr. Adams (of Dale) (with notice and proof):

H. 48. To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Collector of the County.

By Mr. Allen:

S. 74. Prescribing the compensation to be paid to members of the governing body in all cities in the State of Alabama having a population of not less than 50,000 people nor more than 75,000 people, according to the last or any succeeding regular decennial Federal Census, where such cities operate under the commission form of government; providing a method of payment of such compensation and providing the time when this Act shall become effective; and repealing all laws or parts of laws in conflict with the provisions hereof.

By Mr. Benford:

H. 42. To repeal Act No. 263, S. 403, approved July 22, 1949 (Acts of Alabama, 1949, page 388), entitled "An Act To prohibit any person who carries mail under a contract with the United States from carrying passengers; to apply in and only in counties having a population of not less than 36,500 nor more than 42,400 inhabitants according to the most recent federal census."

By Mr. Mize (with notice and proof):

S. 75. To extend, alter and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

By Messrs. Givhan, Hardy and Molette (with notice and proof):

H. 58. To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling, with like provisions in said city, such State of Alabama taxes as are

levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only fifty per cent (50%) of the State levy provided by subdivisions (a), (b) and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to provide the governing body of said city with authority to call and hold an election to submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

By Mr. White (of Covington) (with notice and proof):

H. 45. To impose extra, new and additional duties upon the President and associate members of the Board of Revenue of Covington County; to require an additional regular meeting of said board during each month; and to provide a monthly sum in payment of expenses for the performance of such extra duties and attendance upon said additional regular meeting.

By Mr. Coburn (with notice and proof):

H. 28. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama.

By Mr. Coburn (with notice and proof):

H. 47. Relating to Colbert County, Alabama: To abrogate and abolish the criminal jurisdiction of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, and to provide for proceedings of such causes in the Colbert Law and Equity Court of Colbert County, Alabama.

Mr. Fite, Vice-Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Taylor (Autauga), Merrill, Martin and Lovelace:

H. 54. To make a transfer of funds appropriated to the use of the Legislative Reference Service for expenses to the Service's appropriation for salaries.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Coburn:

H. 79. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Colbert County, validating Act No. 485 of the General Acts of the regular 1949 session of the Alabama Legislature.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House, was read one time at length as required by the Constitution and referred to appropriate Standing Committee as follows:

H. B. 79—To the Committee on Constitution and Constitutional Revision and Amendments.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Messrs. Brassell, Benford, Coburn, Howell, Dobbs (Fayette), Weaver, McDanal, Taylor (Autauga), Haynes (Franklin), Cole, Busby, Sightler, Inzer, Miller, Ganey, Shelton, Ramey, Larkins, Thomas, Cox and Dyar:

H. J. R. 21. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that in accordance with the Amendment to the Constitution proposed by General Act No. 384 of the 1945 Legislature of Alabama and ratified by the people in the November 1946 election, each member of the Legislature, in addition to his travel allowance, shall be allowed expenses, other than actual expenses of traveling, incurred in the performance of his duties, the sum of \$10.00 per day; and the State Comptroller shall draw warrants in the sum of \$10.00 per day for eleven days to cover the expenses of each member of the Legislature, which expenses were incurred in the prior fiscal year. Said warrants to be drawn against the current appropriation to the Legislature for the fiscal year ending September 30, 1951.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 21, set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following joint resolution:

By Messrs. Beck and Harris:

H. J. R. 17. Authorizing and directing the Clerk of the House of Representatives and the Secretary of the Senate to negotiate for, acquire,

and supervise the installation of air conditioning on the second floor of the State Capitol building adjacent to the House and Senate Chambers, excluding the second floor of the North Wing and the second floor of the South Wing of the Capitol building.

Be it Resolved by the House of Representatives, the Senate concurring:

1. The Clerk of the House of Representatives and the Secretary of the Senate are authorized and directed to negotiate for, acquire, and supervise the installation of glass doors and the installation of air conditioning on the second floor of the State Capitol building including the offices located on said second floor in the east wing of the Capitol building adjacent to the House and Senate Chambers, excluding the second floor of the North Wing and the second floor of the South Wing of the Capitol building.

2. Payment for the acquisition and installation of such air conditioning system or systems shall be made from the funds to the credit of the Legislature.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 17, set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint Resolution:

By Mr. Patterson:

S. J. R. 20. Relative to expressing sympathy to the bereaved relatives of Mrs. Birdie Inzer Doster.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolutions:

By Mr. Cater:

S. J. R. 5. Relative to recognizing the contributions of the Alabama State College for Negroes and especially taking notice of the seventy-fifth anniversary of this college and expressing appreciation to Dr. H. Council Trenholm on his twenty-fifth anniversary as President of Alabama State College for Negroes for his leadership and untiring efforts for the best development of the people of his race.

Also:

By Messrs. Lowe and Kendall:

S. J. R. 18. Relative to export of cotton from this country which has resulted in a decline in the price of cotton and urging our senators and

members of the Congress from this state to exert their energies and influence to see that the economic burden of the present conflict is shared as nearly equal as possible by all our people.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. O'Neal:

H. 81. To create a Board of Revenue for Jackson County; providing its powers and duties and for the compensation of its members; providing for the employment of a Supervisor of Roads; prescribing penalties for violations of this Act; and abolishing the Court of County Commissioners of Jackson County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA COUNTY OF JACKSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To create a Board of Revenue for Jackson County; providing its powers and duties and for the compensation of its members; providing for the employment of a Supervisor of Roads; prescribing penalties for violations of this Act; and abolishing the Court of County Commissioners of Jackson County.

Be It Enacted by the Legislature of Alabama:

Section 1. A Board of Revenue of Jackson County is hereby created. The Court of County Commissioners of Jackson County is abolished.

Section 2. Until the first Monday after the second Tuesday in January, 1953, the Jackson County Board of Revenue shall consist of the four incumbent members of the Jackson County Court of County Commissioners and the Probate Judge of Jackson County, who shall serve as chairman of the Board. As members and chairman of the Board of Revenue, such incumbent members of the Court of County Commissioners and the Probate Judge shall receive the same compensation as they now receive as judges of the Court of County Commissioners.

Section 3. At the general election in November, 1952, and every four years thereafter, the qualified electors of Jackson County shall elect from the county at large a chairman of the Board of Revenue and a member of the Board of Revenue for each of the four commissioners' districts in the county as they are now constituted. A candidate for chairman of the Board must be a qualified elector and legal resident of Jackson County. Each candidate for associate member of the Board must be a qualified elector and legal resident of the district which he seeks to represent. The chairman and members of the Board shall as-

sume office the first Monday after the second Tuesday in January, 1953, and every four years thereafter. They shall hold office for a term of four years and until their successors are elected and qualified. The chairman shall be paid a monthly salary not to exceed two hundred fifty dollars (\$250) per month, to be paid from the county treasury, the exact amount to be fixed by the Board, and he shall receive no other compensation except as may be specifically provided herein. Each member of the Board shall receive ten dollars (\$10) for each day's service, not to exceed forty dollars (\$40) per month, and travel expenses of five cents per mile travelled in attending regular and special meetings of the Board.

Section 4. The chairman and each member of the Board shall, before entering upon the duties of his office, take the statutory oath of office and make and file with the Judge of Probate a bond, with good and sufficient sureties, payable to Jackson County, and conditioned upon the faithful performance of the duties of his office. The bond of the chairman is hereby fixed at five thousand dollars (\$5,000); the bond of each other member shall be one thousand dollars (\$1,000). In the case of a vacancy on the Board, such vacancy shall be filled by appointment by the Governor for the unexpired term. Neither the chairman nor any member of the Board shall hold any other remunerative public office.

Section 5. The Board shall hold regular meetings on the fourth Monday in each month, remaining in session as many days as may be necessary, and may hold special meetings at the call of the chairman. Meetings of the Board shall be held at the Jackson County courthouse. Action in the name and under the authority of the Board may be taken by a majority of the Board present and voting at any regular or special meeting, provided at least a quorum is in attendance. A quorum shall consist of the chairman and two members or three members other than the chairman.

Section 6. The Board shall have the same powers, duties, limitations, and responsibilities, insofar as they are consistent with other provisions of this act, as have courts of county commissioners. It shall be the further duty of the Board to publish before the fifteenth day of each month, in some newspaper published in the county, an itemized statement of the receipts and disbursements of all funds of Jackson County during the preceding month and the balances remaining in each fund at the close of the month. Such itemized statement shall show each item paid and shall indicate to whom and for what purpose each item was paid. The compensation paid for the publication of such itemized statement shall not exceed one-and-one-half cents per word. If the Board shall refuse to publish the itemized statement, each member thereof, including the chairman, who votes against the publication shall be subject to a penalty of fifty dollars (\$50). If the Board otherwise fails without good cause to publish the itemized statement, each member thereof, including the chairman, shall be subject to a penalty of one hundred dollars (\$100) for each such failure. Such penalties shall be collected upon suit brought by the circuit or county solicitor in the name of the county.

Section 7. The Board shall obtain written, sealed, competitive bids for all purchases of supplies, material, equipment and contractual services when the amount involved is \$100.00, or more. Invitations for bids shall be posted on a bulletin board in the county courthouse and sent to prospective suppliers at least five calendar days before the final date for submitting bids. Bids shall be opened publicly by the Board at a time and place stated in the invitations. The Board shall award the purchase to the lowest responsible bidder, or reject all bids and renegotiate the purchase if the public interest will be served thereby. In the event of an emergency making it necessary that supplies, material, equipment, or contractual services be purchased immediately, the invita-

tion for bids may be dispensed with and the necessary items or services may be purchased on the open market. However, in no event shall the price paid for supplies, material, or equipment purchased by, or on the behalf of the Board exceed the price at which the same property could be purchased through the Division of Purchases and Stores of the State Department of Finance. To create a binding contractual obligation on the part of the Board a purchase made by or on the behalf of the Board must have the approval of the Board prior to the actual consummation of the purchase, which must appear in the minutes of the Board. In the event of an emergency necessitating an immediate purchase it will be sufficient to make the purchase binding upon the Board if the purchase is made by an authorized person, if the purchase meets all other requirements of this section, and if a detailed, written report of the purchase is filed with the Board within three days after the purchase is made. Neither the chairman nor any member of the Board, nor any employee of Jackson County shall be directly or indirectly interested in any purchase, contract for purchase, or lease of personal property made by or on behalf of Jackson County.

Section 8. After the first Monday following the second Tuesday in January, 1953, the chairman of the Board shall be required to give his entire time and attention to the business of the Board. He shall sign all warrants or orders for disbursements of money from the county treasury. It shall be the duty of the chairman to receive and prepare the business of and to obtain information for meetings of the Board for the purpose of dispatching the work of the Board. The chairman shall see to the execution of all orders of the Board and after the first Monday following the second Tuesday in January, 1953, he shall personally keep the books and records of the Board. He shall enter the minutes of all proceedings of the Board in a well-bound book, which shall be provided for that purpose, within five days from the adjournment of every regular or special meeting. The minute book shall be kept in the office of the Board and shall be open to public inspection at all reasonable hours. The chairman of the Board shall keep a complete record of all receipts and disbursements of county funds and must be prepared at all times to show the exact financial condition of the county. After the first Monday following the second Tuesday in January, 1953, the chairman of the Board shall not employ a bookkeeper or other clerical assistant.

Section 9. The Board must within 30 days after passage of this Act employ a Supervisor of Roads and Bridges for Jackson County, subject to the confirmation of the members of the Alabama House of Representatives from Jackson County and the State Senator from the Fifth Senatorial District. The Supervisor shall receive a salary to be determined by the Board not to exceed three hundred dollars (\$300) per month, and in addition therefore he shall be paid five cents per mile plus his actual expenses while traveling on official business. The Board may discharge the Supervisor for cause and with the approval of the members of the Alabama House of Representatives from Jackson County and the State Senator from the Fifth Senatorial District. The Supervisor shall have the duty of supervising the constructing, repairing and maintaining of roads and bridges in the county. He must have had not less than three years of practical experience in road building and he must be qualified otherwise to perform the work of his office. He shall have complete charge of the road and bridge employees of the county, **including their selection, compensation, supervision and dismissal.** No person employed by the Supervisor shall be related to him or the chairman of any member of the Board within the third degree of consanguinity, computed by the rules of civil law, by blood or marriage. Should the Supervisor employ any such relative he shall be guilty of a misdemeanor and, on conviction, shall be fined not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500). The Supervisor shall give such bond as the Board may require and shall be responsible to the Board for his actions. The Supervisor shall advise the

Board in regard to the purchase, lease, or contract for, of all machinery, material, supplies, and equipment necessary in the discharge of his responsibility for the roads and bridges of Jackson County and he shall be charged with the care and maintenance of such machinery, material, supplies, and equipment. All changes in roads and bridges in the county must be approved by the Board.

Section 10. The chairman of the Board shall, from time to time, inspect the roads and bridges of Jackson County and, with the advice and assistance of the members of the Board, generally supervise the work done thereon. For such inspection and supervision, he shall be paid reasonable expenses approved by the Board.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 12. All laws or parts of laws in conflict with this Act are repealed.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CERTIFICATE OF PUBLICATION

STATE OF ALABAMA JACKSON COUNTY

Before me, C. O. Reed, a Notary Public in and for said county and state, personally appeared P. W. Campbell, who is known to me to be the publisher of The Jackson County Sentinel, a newspaper published at Scottsboro, Jackson County, Alabama, who states under oath that the attached Notice of Special Legislation to create a Board of Revenue for Jackson County, Alabama, was published in the Jackson County Sentinel for four consecutive issues, beginning with the issue of Tuesday, September 12, 1950, the four issues being Sept. 12, Sept. 19, Sept. 26, and Oct. 3, 1950.

P. W. CAMPBELL,
Publisher Jackson County Sentinel.

Sworn to and subscribed before me this 10th day of Oct., 1950.

C. O. REED,
Notary Public.

Also:

By Messrs. Brown and Ward:

H. 90. Relating to Lee County: To authorize the governing body of Lee County to levy and collect a privilege tax on all persons, corporations, firms, companies, agencies, and associations selling, delivering, withdrawing from storage, or keeping in storage for sale or delivery in such County, gasoline, naphtha, and other liquid motor fuel or any substitute therefor commonly used in internal combustion engines, but not including kerosene, fuel oil, or crude oil commonly used for lighting, heating, or industrial purposes; providing exemptions from such levy and for the use of the revenues derived from the tax; making the operation of the Act contingent upon the results of a referendum; directing and requiring the county governing body to provide for holding an election relative to the levying of such tax.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA COUNTY OF LEE

Notice is hereby given that at the 1950 Extra session of the Legisla-

ture of Alabama, a bill substantially as follows will be introduced and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lee County: To authorize the governing body of Lee County to levy and collect a privilege tax on all persons, corporations, firms, companies, agencies, and associations selling, delivering, withdrawing from storage, or keeping in storage for sale or delivery in such County, gasoline, naphtha, and other liquid motor fuel or any substitute therefor commonly used in internal combustion engines, but not including kerosene, fuel oil, or crude oil commonly used for lighting, heating, or industrial purposes; providing exemptions from such levy and for the use of the revenues derived from the tax, making the operation of the Act contingent upon the results of a referendum; directing and requiring the county governing body to provide for holding an election relative to the levying of such tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Lee County may levy, in addition to all other taxes now imposed by law, upon every distributor, refiner, retail dealer, or storer of gasoline an excise tax of not more than two cents per gallon upon the selling, distributing, storing, or withdrawing from storage in said county, for any use, gasoline, naphtha, or other liquid motor fuel or any substitute therefore commonly used in internal combustion engines, but not including kerosene oil, fuel oil, or crude oil commonly used for lighting, heating, or industrial purposes.

Section 2. The governing body of Lee County shall provide rules and regulations and the necessary administrative machinery for the collection of such privilege tax, and provide penalties for the violation of such rules and regulations.

Section 3. The governing body of Lee County shall issue certificates of exemption for use by the United States or any agency thereof in purchasing gasoline within the county if the gasoline purchased is paid for and used by the United States of America or any agency thereof. Any person, corporation, firm, company, agency, or association reporting and paying the tax herein provided for may deduct the number of gallons sold to the United States as shown by exemption certificates filed with the report.

Section 4. The revenue derived from the tax herein provided for, less the cost of collection, shall be used for the purpose of constructing and maintaining public roads, streets, bridges, and highways in Lee County.

Section 5. The governing body of Lee County is directed and required to call and provide for holding an election for the qualified electors of the county at which there shall be submitted to the qualified electors participating therein the following question: "Do you favor a county tax of not more than two cents per gallon on gasoline, the proceeds of which shall be used solely for the purpose of constructing and maintaining public roads, streets, bridges, and highways in Lee County?"

The election shall be held as nearly as may be in the same manner as are constitutional amendment elections, and shall be held on the first Tuesday after the expiration of thirty days from the effective date of this Act, or on another day fixed by the governing body of the county. The expense of holding the election shall be paid for by the county out of its general fund. In the event a majority of the electors who participate in the election vote in the affirmative on the issue submitted, this Act shall become operative immediately. If a majority of the electors vote negatively on the issue, this Act shall have no further force or effect.

(Adv. Sept. 19-26-Oct. 3-10)

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. H. Wilson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Opelika Daily News, a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Sept. 19, Sept. 26, Oct. 3, and Oct. 10, all in the year 1950.

W. H. WILSON.

Sworn to and subscribed before me October 10, 1950.

RUTH CLEGG,
Notary Public.

Also:

By Mr. Pinkston:

H. 83. To amend Section 6 of Act No. 528, H. 992, approved September 2, 1949 (Acts of Alabama, 1949, page 819), which establishes a county-wide personnel system for all counties of the state having a population of not less than 100,000 and not more than 140,000 and for municipalities in such counties having a population of 5,000 or more.

Also:

By Messrs. Callahan and Shelton:

H. 87. To make an additional appropriation to the Board of Trustees of the Alabama Insane Hospitals for the use of the Alabama Insane Hospitals and the Partlow State School for Mental Deficients for the fiscal year ending September 30, 1951.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing message from the House were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 81, 90 and 83—To the Committee on Local Legislation.

H. B. 87—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Dobbs (Fayette):

H. J. R. 23. Resolved by the House, the Senate concurring, that House Bill 26 shall be known and designated as the Dobbs-Kimbrell bill.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Rules were suspended and the Resolution, H. J. R. 23, set out in the foregoing message from the House was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Beck:

H. 61. To make it unlawful for any person to display, handle, exhibit or use any poisonous or dangerous snake or reptile in such a manner as to endanger the life or health of another, and prescribing the punishment for violation of this Act.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 61—To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bills:

By Mr. Shelton:

H. 96. To provide for the distribution of the proceeds of sales of contraband property in counties having a population of not less than 76,000 nor more than 114,000 according to the most recent federal census.

Also:

By Messrs. Miller and Roberts:

H. 92. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF LOCAL BILL

Notice is hereby given of intention to introduce in the present Special Session of the Legislature (now in recess until October 10, 1950) and press for passage a local bill in substance as follows: Notice is further given that if said bill fails of passage at such present Special Session then such bill will be introduced at the May 1951 Regular Session of the State Legislature and its passage pressed:

A BILL
TO BE ENTITLED
AN ACT

To Alter or Re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Boundary lines of the City of Gadsden, Etowah County, Alabama, be, and the same are altered or re-arranged so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama: all of which territory is more particularly described as being all of the territory lying within the County of Etowah, State of Alabama, included and embraced within the boundaries herein set out, to-wit:

Begin at the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) in Section Seventeen (17), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian, Etowah County, Alabama, and from thence run in a Southerly direction and along the East line of said Section Seventeen (17) and the East line of Section Twenty (20), Township Eleven (11) South of Range Six (6) East of Huntsville Meridian to the Southeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) in said Section Twenty (20); thence in an Easterly direction and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-one (21); Township Eleven (11) South, Range Six (6) East of the Huntsville Meridian to the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty One (21); thence along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said :

Section Twenty-one (21), and along the East line of the West Half ($W\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty one (21) and along the East line of the West Half ($W\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-eight (28), Township Eleven (11) South, Range Six (6) East of the Huntsville Meridian to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of said Section Twenty-eight (28); thence in a Easterly direction and along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-eight (28) to the Northeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-eight (28);

Thence in a Southerly direction and along the East line of the Southwest Quarter ($SW\frac{1}{4}$) in Section Twenty-Eight (28) and along the East line of the West half ($W\frac{1}{2}$) of Section Thirty-three (33), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Thirty-three (33);

Thence in an Easterly direction and along the North line of the South Half ($S\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Thirty-three (33) and along the North line of the South Half ($S\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Thirty-four (34), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Thirty-four (34);

Thence Northerly along the West line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34) to the Northwest corner thereof; thence Easterly along the North line of the said Northwest Quarter ($NW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of Section Thirty-four (34) to the Northeast corner thereof; thence Northerly along the West line of the East Half ($E\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Thirty-four (34) to the Northwest corner thereof;

Thence Easterly along the North line of the of the Northeast Quarter ($NE\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of Section Thirty-four (34) to the Northeast corner of said Section, which is also the Southwest corner of Section Twenty-six (26), Township Eleven (11) South, of Range Six (6) East; thence Northerly along the West line of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty six (26) to the Northwest corner thereof;

Thence Easterly along the North line of the said Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty six (26) to the Northeast corner thereof;

thence Northerly along the West line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twenty six (26) to the Northwest corner thereof; thence Easterly along the North line of Sections Twenty six (26) and Twenty-five (25) to the Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Twenty five (25); thence Southerly along the East line of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-five (25) to the Southeast corner thereof; thence Westerly along the South line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-five (25) to the Southwest corner thereof; thence Southerly along the East line of the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-five (25), and the East line of the West Half (W $\frac{1}{2}$) of the West Half (W $\frac{1}{2}$) of Section Thirty-six (36) to the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Thirty-six (36), Township Eleven (11) South, of Range Six (6) East; thence Westerly along the South line of Section Thirty six (36) and Section thirty-five (35), Township Eleven (11) South of Range Six (6) East to the Southwest corner of said Section Thirty-five (35) which is also the Northeast corner of Section Three (3);

Thence Southerly along the East line of Section Three (3), Township Twelve (12), South, of Range Six (6) East to a point where said line intersects the South bank of Coosa River to a point where the East line of the West Half (W $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twelve (12), Township Twelve (12) South of range Six (6), East intersects the south bank of Coosa River at low water mark;

Thence Southerly along the East line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Twelve (12) to the Southeast corner thereof; thence Easterly along the North line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) and the North line of the South Half (S $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twelve (12) to the Northeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Twelve (12);

Thence Southerly along the East line of Section Twelve (12) and Thirteen (13), Township Twelve (12) South, of Range Six (6) East to where said line intersects the Cherokee Indian Boundary line; thence in a Southeasterly direction and along said Indian Boundary line to the Northeast corner of Section Nineteen (19), Township Twelve (12) South, of Range Seven (7) East of Huntsville Meridian; thence in a Southerly direction and along the East line of said Section Nineteen (19) to the Southeast corner of said Section Nineteen (19) and to the corporate line of the Town of Glencoe as shown by a map thereof recorded in Final Record "V" page 114, in the Probate Court, Etowah County, Alabama:

Thence in a Westerly direction and along the South line of said Section Nineteen (19) and along the corporate line of the town of Glencoe to where the corporate line of the Town of Glencoe turns in a Northwesterly direction; thence in a Northwesterly direction and along the corporate line of the Town of Glencoe to where said corporate line turns in a Southerly direction and along the corporate line of the Town of Glencoe to a point in the South line of said Section Nineteen (19); thence in a Westerly direction and along the South line of said Section Nineteen (19) to the Southwest corner of said Section Nineteen (19);

Thence in a Northerly direction and along the West line of said Section Nineteen (19) to the Southwest line of the Gadsden and Anniston Highway, as shown by the map of McCord's Subdivision recorded in Plat Book "D" page 119, Probate Office, Etowah County, Alabama; thence in a Northwesterly direction and along the Southwest line of said Highway to the South line of the North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) in Section Twenty-four (24), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian;

Thence in a Westerly direction and along the South line of said North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Twen-

ty-four (24) and along the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Twenty-four (24) to a point in the Northeast line of Keeling Road; as shown by the map of Hadley Farms recorded in Plat Book "B", page 236, in said Probate Office; thence in a Northwesterly direction and along the Northeast line of the Keeling Road to the Indian Boundary line;

Thence in a Northwesterly direction and along the Indian Boundary line to the Southwest corner of the Northeast part of the Southeast Fractional Quarter in Section Fourteen (14), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian; thence in a Northerly direction and along the West line of said Northeast Part of the Southeast Fractional Quarter in said Section Fourteen (14) to the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Fourteen (14); thence in a Westerly direction and along the South line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Fourteen (14) to the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Fourteen (14);

Thence in a Northerly direction and along the East line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Fourteen (14) a distance of 495 feet; thence in a Westerly direction and parallel with the South line of said Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) to the west line thereof; thence Northerly and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Fourteen (14) to the Southeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Fourteen (14); Thence in a Westerly direction and along the South line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Fourteen (14) to the West line of said Section Fourteen (14); thence Southerly along the West line of Section Fourteen (14); which is the East line of Section Fifteen (15) to a point four hundred ninety-two (492) feet South of the Southeast corner of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Fifteen (15);

Thence South thirty-four (34) degrees thirty-seven (37) minutes West, along the East lines of lots Eighteen (18) and Nineteen (19) of Block Seven (7) of the Crestview Land Company Addition, two hundred (200) feet, thence North fifty (50) degrees thirteen (13) minutes West along the South boundary of the Crestview Land Company Addition one thousand six hundred seventy eight (1678) feet.

Thence North twenty-seven (27) degrees twenty-two (22) minutes East along the Northwest boundary of the Crestview Land Company Addition to a point on the North and South center line of the Northeast Quarter (NE $\frac{1}{4}$) of Section Fifteen (15), where said Northwest boundary of Crestview Land Company Addition intersects center line;

Thence Northerly along the said center line of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Fifteen (15) to the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Fifteen (15), which is the Southwest corner of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10) Township Twelve (12) South, of Range Six (6) East;

Thence in a Westerly direction and along the South line of said Section Ten (10) and along the South line of Section Nine (9) Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to the Northeast corner of Government Lot Number Three (3) in Section Sixteen (16), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian;

Thence a Southerly direction and along the East lines of Government Lots Numbers Three (3), Six (6), Nine (9), and Eleven (11) and said lines extended to the South bank of Big Wills Creek,

Thence in an Easterly direction and down the South bank of said

Creek to a point where the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Section Twenty-one (21), Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian, produced Northerly, intersects said Creek bank;

Thence Southerly and along the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) in Said Section Twenty-one (21), and said line produced in a Northerly direction, to a point in the Northwest right-of-way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive;

Thence in a Southwesterly direction and along the Northwest right-of-way line of said highway to the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty-one (21);

Thence in a Southerly direction and along the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty-one (21) to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty-one (21);

Thence in a Easterly direction and along the North line of the Northeast Quarter ($NE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$), Section Twenty-eight (28), Township Twelve (12) South, Range Six (6) East of Huntsville Meridian to the West line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21);

Thence in a Northerly direction and along the West line of the Southwest Quarter ($SW\frac{1}{4}$) of the South east Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21) to the Northwest corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one;

Thence in an Easterly direction and along the North line of the South Half ($S\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-one (21) to the Northeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21);

Thence in a Southerly direction and along the West line of said Section Twenty one (21) to the Southeast corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty-one (21);

Thence in a Westerly direction and along the South line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) of said Section Twenty one (21) to the Northeast corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$), Section Twenty-eight (28), Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian;

Thence in a Southerly direction and along the East line of the West Half ($W\frac{1}{2}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty-eight (28) to the Southeast corner of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty-eight (28);

Thence in a Westerly direction and along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Northeast Quarter ($NE\frac{1}{4}$) of said Section Twenty-eight (28) to the Northeast corner of the Northeast Quarter of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-eight (28);

Thence in a Southerly direction and along the East line of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty-eight (28) to the Southeast corner of the Northeast Quarter ($NE\frac{1}{4}$) of the Southwest Quarter (SW) of said Section Twenty-eight (28);

Thence in a Westerly direction and along the South line of the North Half ($N\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty eight (28) to the Southwest corner of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of said Section Twenty eight (28);

Thence in a Northerly direction and along the West line of said Section Twenty eight (28) to the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NE $\frac{1}{4}$) of said Section Twenty-eight (28);

Thence in an Easterly direction and along the North line of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of said Section Twenty-eight (28) for a distance of Two Hundred and Thirty-two (232) feet to the West line of a certain Street;

Thence in a Northeasterly and Northwesterly direction and along the West line of said Street to a point in the Southeast right-of-way line of the Gadsden-Birmingham Highway, otherwise known as Rainbow Drive;

Thence in a Northeasterly direction and along the Southeast right-of-way line of said highway to the South line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$), Section Twenty-one (21), Township Twelve (12) South, Range Six (6) East of the Huntsville Meridian;

Thence in a Westerly direction and along the South line of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twenty-one (21);

Thence Northerly and along the West line of said Section Twenty-one (21) to the Southerly bank of Big Will Creek;

Thence in a Northeasterly and Easterly direction and along the Southerly bank of said Creek to a point which is two hundred (200) feet West, drawn on a line parallel with the North line of Section Sixteen (16) hereinbefore mentioned, from where the East line of Government Lot Number Eleven (11) in said section Sixteen (16), if produced in a Southerly direction, would intersect the South bank of said Creek;

Thence in a Northerly direction and parallel with the East lines of Government Lots Numbers Eleven (11), Nine (9), Six (6) and Three (3) in said Section Sixteen (16) and parallel with the East line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in Section Nine (9) Township Twelve (12) South, of Range Six (6) East of Huntsville Meridian to a point in the South line of the North (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9);

Thence in a Westerly direction and along the South line of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9) to the Southwest corner thereof;

Thence Northerly and along the West line of the North Half (N $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9) to the Southeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9);

Thence in a Westerly direction and along the South line of the Northwest Quarter (NW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Nine (9) and along the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Eight (8) to the Southwest corner of the said Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of said Section Eight (8), which is also the Northeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Eight (8);

Thence Southerly along the East line of said Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Eight (8) and along the East lines of Lots or Fractions Two (2) and Seven (7), Section Seventeen (17) to the Southeast corner of Lot or Fraction Seven (7);

Thence Westerly along the South line of Lot or Fraction Seven (7); Section Seventeen (17) to the Southwest corner thereof;

Thence Northerly along the West line of said lot or Fraction Seven (7) to the Northwest corner thereof;

Thence Westerly along the South line of Lots or Fractions Three

(3) and Four (4) of Section Seventeen (17) and the South lines of Lots or Fractions One (1) and Two (2), Section Eighteen (18) to the Southwest corner of said Lot or Fraction Two (2);

Thence Northerly along the West line of said Lot or Fraction Two (2) to the Northwest corner thereof; said point being in the division line between Sections Seven (7) and Eighteen (18);

Thence Westerly along the South line of Section Seven (7) to the Southwest corner thereof;

Thence Northerly along the West line of Lot or Fraction Thirteen (13) to the Northwest corner of said Lot or Fraction Thirteen (13) of said Section Seven (7) which is also the Southeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twelve (12); Township Twelve (12) South, of Range Five (5);

Thence Westerly along the South line of the said Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twelve (12) to the Southwest corner thereof;

Thence Northerly along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twelve (12), to the Northwest corner thereof;

Thence West along the South line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Twelve (12) to the Southwest corner thereof which is the Southeast corner of Lot or Fraction "A" otherwise known as the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Twelve (12), Township Twelve (12) South, Range Five (5) East of Huntsville Meridian, and from thence run Southerly and along the East line of Fraction "C" in said Section Twelve (12) to the Southwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Twelve (12);

Thence West and along the South line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Twelve (12) extended in a Westerly direction across said Fraction "C" to a point in the West, or Southwest bank of Big Wills Creek;

Thence Northerly and Northwesterly up and along the West, or Southwest bank of Big Wills Creek to a point which is 140 feet Southeast of, and at right angles to, the center line of the Eighty (80) foot strip as described in a deed from the United States of America to Etowah County Alabama dated Twenty-fifth of February, 1948 and recorded in Record Book "361" page 153, Probate Office, Etowah County, Alabama;

Thence South Thirty nine (39) degrees eighteen (18) West and parallel with the center line described in said deed above mentioned to a point in the East line of the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Twelve (12);

Thence Southerly and along the East line of the West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) in said Section Twelve (12) and along the East line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in Section Thirteen (13) Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to the Southeast corner of said Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Thirteen (13);

Thence in a Westerly direction and along the South line of the Northwest Quarter (NW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Thirteen (13) and along the South line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in Section Fourteen (14), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to a point in the West line of what is known as the "Airport" Road;

Thence Southerly and along the West line of said "Airport" Road to a point where the West Right-of-way line of said "Airport" Road intersects the Northerly Right-of-way line of what is known as the "Steel Station" Road;

Thence Westerly and Southwesterly and along the Northerly Right-of-way line of said "Steel Station" Road to where said Right-of-way line intersects the dividing line between Section Twenty six (26) and Twenty Seven (27), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian;

Thence Northerly and along said Section line to the Southeast Corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Twenty seven (27);

Thence Westerly and along the South line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in Section Twenty Seven (27) to the Southwest corner thereof;

Thence North and along the West line of said Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in Section Twenty seven (27) and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Twenty Two (22); Township Twelve (12) South of Range Five (5) East of Huntsville Meridian, to the Northwest corner of said Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Twenty two (22);

Thence East and along the North line of said Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Twenty two (22) to the Northeast corner thereof which said last mentioned point is in the West line of Section Twenty Three (23), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian;

Thence North and along the West line of said Section Twenty three (23) a distance of one-half ($\frac{1}{2}$) mile to the Northwest corner of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Twenty three (23);

Thence East and along the North line of said Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in Section Twenty three (23) to the Northeast corner thereof; which is also the Southwest corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Twenty three (23);

Thence Northerly and along the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) in said Section Twenty-three (23) and along the West line of the East half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of the Northwest Quarter in Section Fourteen (14), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) in Section Eleven (11), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian, to a point of intersection with the North Right-of-way line of Highway from Morgan's Cross Roads to Camp Sibert;

Thence in a Westerly direction and along the North Right-of-way line of said Highway last mentioned, to where the same intersects the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in Section Fifteen (15), Township Twelve (12) South of Range Five (5) East of Huntsville Meridian, Alabama

Thence North and along the West line of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) in said Section Fifteen (15) and along the West line of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Ten (10), Township Twelve (12) South, of Range Five (5) East of Huntsville Meridian to the Northwest corner of said Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Ten (10);

Thence East and along the North lines of the Southeast Quarter (SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Ten (10) and along the North line of the South Half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) in Section Eleven (11), Township Twelve (12) South, of Range Five (5) East of Huntsville

Meridian, Alabama, and along the North line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in Section Twelve (12) to a point which is One Hundred Forty (140) feet Northwest of, and at right angles to the center line of the Eighty (80) foot strip described in the deed from the United States of America to Etowah County, Alabama, dated the 25th of February, 1948, and recorded in record Book "361" and page 155, hereinbefore mentioned;

Thence North Thirty Nine (39) degrees Eighteen (18) Minutes East and parallel with said center line to a point in the West line of Lot or Fraction, "C" in Section Twelve (12) Township Twelve (12) South of Range Five (5) East of Huntsville Meridian, Alabama, thence Northerly and along the West line of Lots, or Fractions, "C" and "A" in said Section Twelve (12) to the Northwest corner of said lot or Fraction "A", which said point is in the present City limits of the City of Gadsden;

Thence West along the South line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section One (1), Township Twelve (12) South, Range Five (5) East to the Southwest corner thereof; thence Northerly and along the West line of said Section One (1) to the Northwest corner thereof; which is also the Southeast corner of Section Thirty five (35), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian; thence in a Westerly direction and along the south line of said Section Thirty five (35) to the East bank of Little Wills Creek; thence in a Northerly and Northeasterly direction up the East bank of Little Wills Creek to the North line of said Section Thirty-five (35);

Thence in a Easterly direction and along the North line of said Section Thirty five (35) and along the North line of Section Thirty Six (36), Township Eleven (11) South, of Range Five (5) East of Huntsville Meridian and along the North line of Section Thirty one (31), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian to the North and South center line of Section Thirty (30), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian;

Thence Northerly and along the North and South center line of said Section Thirty (30) to a point in the South line of Section Nineteen (19), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Nineteen (19) to the Southwest corner of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Nineteen (19);

Thence Northerly and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section (19) to the Northwest corner thereof thence Easterly and along the North line of the Southeast Quarter ($SE\frac{1}{4}$) of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Nineteen (19) to the West line of Section Twenty (20) Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence Northerly and along the West line of said Section Twenty 20 to the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty (20); thence in an Easterly direction and along the North line of the Northwest Quarter ($NW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) in said Section Twenty (20) to the Southwest corner of the East Half ($E\frac{1}{2}$) of the Northwest Quarter in said Section Twenty (20);

Thence in a Northerly direction and along the West line of the East Half ($E\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) in said Section Twenty (20) to the South line of Section Seventeen (17), Township Eleven (11) South, of Range Six (6) East of Huntsville Meridian; thence in an Easterly direction and along the South line of said Section Seventeen (17) to the Southwest corner of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Seventeen (17); thence in a Northerly direction and along the West line of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Seventeen (17) to the Northwest corner thereof; thence in an Easterly direction and along the North line of the Southeast Quarter ($SE\frac{1}{4}$) in said Section Seventeen (17) to the point of beginning, all in Etowah County, Alabama.

Section 2. That the boundaries set out in Section One (1) of this Act be, and the same are hereby established as the corporate limits of said City of Gadsden, Etowah County, Alabama, and all the territory included and embraced within said boundaries shall hereafter be and constitute a part of the City of Gadsden, Etowah County, Alabama.

Section 3. That all laws and parts of laws both general, special and local in conflict with this Act be, and the same are hereby repealed.

Section 4. That this act shall go into effect immediately upon its approval by the Governor.
Sept. 25, Oct. 2, 9, 16.

STATE OF ALABAMA ETOWAH COUNTY

Before me, Walter Betz, a Notary Public, in and for said County, in said State, personally appeared Mary Garnet, who is known to me, and who, after being by me duly sworn, deposes and says under oath as follows:

That she is Adv. Bookkeeper of The Gadsden Times, a newspaper published in said County, in said State, and authorized under laws of the State of Alabama to carry legal advertising;

That, as such employee, she has knowledge of the facts hereinafter stated, and that she is authorized by said, The Gadsden Times, to make this affidavit;

That there is glued to said affidavit notice, which notice was printed in The Gadsden Times in its regular circulated editions on 9/25, 10/2, 10/9 and 10/16, 1950, and that the clipping glued to this affidavit constitutes an exact and true copy of said advertisement as it appeared in The Gadsden Times on the dates shown above.

Subscribed and sworn to by me on this, the 16th day of Oct., 1950.

MARY GARNET.

Subscribed and sworn to before me on this, the 16th day of Oct., 1950.

WALTER BETZ,

Notary Public, Etowah County, Ala.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing message from the House were severally read and referred to appropriate Standing Committee as follows:

H. B.'s 96 and 92—To the Committee on Local Legislation.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Committee on Enrolled Bills, begs leave to report that said Committee, in session, has compared the following Senate Joint Resolutions with the original Senate Joint Resolutions and finds same correctly enrolled, to-wit:

S. J. R. 5. Relative to: Recognizing the seventy-fifth anniversary of the Alabama State College for Negroes, and expressing appreciation to Dr. H. Councill Trenholm on his twenty-fifth anniversary as President of the College.

Also:

S. J. R. 18. Relative to: The fate of our cotton farmers and urging our Senators and members of Congress from this State to exert their influence to see that the burden of the present conflict is shared as nearly equal as possible by all our people.

Also:

S. J. R. 20. Relative to the passing of Mrs. Birdie Inzer Doster, her memory revered and sympathy extended to her bereaved relatives.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Shelton and Mr. Callahan:

H. J. R. 24. Authorizing the Board of Trustees of the University of Alabama to designate the building used as the Alumni Hall as the "Temple Tutwiler Alumni Hall."

Whereas the Board of Trustees of the University of Alabama has indicated its disposition to designate the building on the University Campus used as an alumni hall the "Temple Tutwiler Alumni Hall" in recognition of Mr. Temple Tutwiler's contributions to the State as a public-minded citizen thereof and a loyal alumnus of the University; therefore

Be it Resolved by the House of Representatives of Alabama, the Senate concurring, That the Board of Trustees of the University of Alabama is hereby authorized to designate the building used as an alumni hall as the "Temple Tutwiler Alumni Hall."

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Mize the Rules were suspended and the Resolution, H. J. R. 24, set out in the foregoing message from the House was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 24. For the relief of the next of kin of Eugene Ogburn.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:
Barrett
Burnside
Cater
Clayton

Coleman
Fite
Gaither
Gulledge
Hardwick

Harvey
Howle
Kendall
Lamberth
Lowe

Mize
Quarles
Russell
Summerlin

—18

Nays:

—0

The Bill:

H. 23. For the relief of the widow of P. P. Wilson.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Harvey	Mize	
Barrett	Fite	Howle	Quarles	
Burnside	Gaither	Kendall	Russell	
Cater	Gulledge	Lamberth	Summerlin	
Clayton	Hardwick	Lowe		—18

Nays: —0

The bill:

H. 19. To repeal an act entitled "An Act To withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; to provide for a secretary and treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama." approved September 5, 1939, (Act No. 333, H. 815, Mayhall; Local Acts, 1939, pages 221-225); to create and establish a Board of Revenue for Winston County, Alabama, to be composed of five members, one of whom shall be chairman; to invest said Board of Revenue with exclusive jurisdiction, authority, and power over public roads and bridges and over public road and bridge funds in and for said county; to define the powers, jurisdiction, authority, duties, and responsibilities of said Board of Revenue and its members (including its chairman) to divide Winston County into five civil districts; to provide for the election of one member of said Board of Revenue from each of said civil districts at the general election to be held in November, 1956, and every six years thereafter; to provide for the filling of vacancies in said offices by appointment by the Governor of Alabama; to provide that the members of the Winston County Highway Board as constituted at the time of the passage of this act shall constitute the members of said Board of Revenue until the first Tuesday after the second Monday in January, 1957, and until their successors are elected and qualified; to fix the qualifications of the members and chairman of said Board of Revenue; to fix the term of office of said members at six years, such terms to begin on the first Tuesday after the second Monday in January of the year 1957 and every sixth year thereafter; to fix the compensation of the members and chairman of said board at the same rate which has heretofore been provided for the members of the Winston County Highway Board until the first Tuesday after the second Monday in January, 1951, after which date the compensation of each member, including the chairman, shall be \$225.00 per month; to provide where the members of said Board shall reside during their terms of office; to provide the times when said board shall meet; to provide for a Secretary and Treasurer of said Board to be appointed by said Board, and to define his duties and fix

his compensation at the same rate which has heretofore been provided for the Secretary and Treasurer of the Highway Board of said County, until the first Tuesday after the second Monday in January, 1951, after which date such salary shall be \$175.00 per month; to regulate purchase made by said Board of Revenue, and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

was taken up.

Mr. Allen moved that further consideration of the bill, H. B. 19, be postponed until the next legislative day, which motion was lost due to the fact that a quorum of the Senate was not voting.

Yeas 2; Nays 12.

Yeas: Messrs. Cater and Henderson —2

Nays:

Messrs.:	Fite	Harvey	Lamberth
Barrett	Gulledge	Howle	Mize
Boutwell	Hardwick	Kendall	Russell
Coleman			

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RESOLUTION

Mr. Russell offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. Be it Resolved by the Senate, the House concurring, that when the two Houses adjourn today, they adjourn to meet again on Tuesday, October 24th, 1950 at 12:00 o'clock noon.

And the Rules were suspended and the Resolution adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolutions:

By Mr. Mize:

S. J. R. 22. Relative to authorizing the Board of Trustees of the University of Alabama to designate the building used for the School of Commerce and Business Administration as "Bidgood Hall."

Also:

By Mr. Mize:

S. J. R. 21. Relative to authorizing the Board of Trustees of the University of Alabama to designate a dormitory for women students as "Adams-Parker Dormitory".

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolutions, your signature thereto is requested.

H. 24. For the relief of the next of kin of Eugene Ogburn.

Also:

H. J. R. 23. Relative to designating House Bill 26 as the Dobbs-Kimbrell bill.

Also:

H. J. R. 24. Relative to designating the building used as an alumni hall, at the University of Alabama, as the "Temple Tutwiler Alumni Hall."

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILL AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Russell:

S. J. R. 23. Relative to the two Houses meeting again on Tuesday, October 24th, 1950 at 12:00 o'clock noon.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Miller:

H. 80. To authorize the allocation and disbursements of Federal funds deposited in the State Treasury of Alabama for educational purposes to county and city boards of education to meet anticipated monthly current operation obligations in accordance with laws and regulations governing the expenditure of such funds as certified to by the State Superintendent of Education.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 80—To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Dumas:

H. 91. To make an appropriation of one hundred ten thousand dollars (\$110,000) for the purchase, renovation, and redecoration of the house and lot at 1108 South Perry Street, Montgomery, Alabama, as the mansion for occupancy by the Governor.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 91—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

By Mr. Boutwell:

S. 49. To make an appropriation for the painting of the exterior of the State capitol.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 23. For the relief of the widow of P. P. Wilson.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

At 12 o'clock noon, Mr. Boutwell moved that the Senate adjourn until Tuesday October 24, 1950, which motion was lost.

Yeas 7; Nays 11.

Yeas:

Messrs.:	Boutwell	Fite	Henderson
Barrett	Coleman	Gaither	Wright

—7

Nays:

Messrs.:	Cater	Harvey	Lamberth
Allen	Gulledge	Howle	Mize
Burnside	Hardwick	Kendall	Russell

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REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Committee on Enrolled Bills, begs leave to report that said Committee, in session has compared the following Senate Joint Resolutions with the original Senate Joint Resolutions and finds same correctly enrolled, to-wit:

S. J. R. 21. Relative to naming a Dormitory for women students at the University of Alabama the "Adams-Parker Dormitory"

Also:

S. J. R. 22. Relative to naming the building used by the School of Commerce and Business Administration at the University of Alabama "Bidgood Hall."

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

FURTHER CONSIDERATION OF HOUSE BILL 19

H. 19. To repeal an act entitled "An Act to withdraw and take away from the Court of County Commissioners of Winston County, Alabama, all jurisdiction over public roads and bridges and public road and bridge funds in said county; to create and establish a Highway Board for said county to be composed of five members, one of whom shall be Chairman, all to be appointed by the Governor of Alabama from the county at large; and to invest said Highway Board with jurisdiction, authority and power over public roads and bridges and over public road and bridge funds in and for said county; to provide for the terms of office and compensation of said members; to provide for a secretary and treasurer of said Board and to fix his compensation; to define the powers, jurisdiction, duties, authority, and responsibilities of said Board and of the Chairman thereof and to regulate purchases made by said Board and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama." approved September 5, 1939, (Act No. 333, H. 815, Mayhall; Local Acts, 1939, pages 221-225); to create and establish a Board of Revenue for Winston County, Alabama, to be composed of five members, one of whom shall be chairman; to invest said Board of Revenue with exclusive jurisdiction, authority, and power over public roads and bridges and over public road and bridge funds in and for said county; to define the powers, jurisdiction, authority, duties, and responsibilities of said Board of Revenue and its members (including its chairman) to divide Winston County into five civil districts; to provide for the election of one member of said Board of Revenue from each of said civil districts at the general election to be held in November, 1956, and every six years thereafter; to provide for the filling of vacancies in said offices by appointment by the Governor of Alabama; to provide that the members of the Winston County Highway Board as constituted at the time of the passage of this act shall constitute the members of said Board of Revenue until the first Tuesday after the second Monday in January, 1957, and until their successors are elected and qualified; to fix the qualifications of the members and chairman of said Board of Revenue; to fix the term of office of said

members at six years, such terms to begin on the first Tuesday after the second Monday in January of the year 1957 and every sixth year thereafter; to fix the compensation of the members and chairman of said board at the same rate which has heretofore been provided for the members of the Winston County Highway Board until the first Tuesday after the second Monday in January, 1951, after which date the compensation of each member, including the chairman, shall be \$225.00 per month; to provide where the members of said Board shall reside during their terms of office; to provide the times when said board shall meet; to provide for a Secretary and Treasurer of said Board to be appointed by said Board, and to define his duties and fix his compensation at the same rate which has heretofore been provided for the Secretary and Treasurer of the Highway Board of said County, until the first Tuesday after the second Monday in January, 1951, after which date such salary shall be \$175.00 per month; to regulate purchase made by said Board of Revenue, and to repeal all laws, local and general, in conflict herewith in so far as the same apply to Winston County, Alabama.

And said bill was then read a third time at length and lost due to the fact that a quorum of the Senate was not voting.

Yeas 13; Nays 2.

Yeas:

Messrs.:	Coleman	Harvey	Lamberth	
Barrett	Fite	Howle	Mize	
Boutwell	Gaither	Kendall	Russell	
Cater	Gulledge			—13

Nays: Messrs. Allen and Hardwick —2

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journals of the Senate for the sixth and seventh legislative days and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journals of the Senate for the sixth and seventh legislative days approved by the Senate.

ADJOURNMENT

At 12:05 P. M., on motion of Mr. Allen, and pending further consideration of S. B. 10, and in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, October 24, 1950, at 12 o'clock noon.

NINTH LEGISLATIVE DAY
TUESDAY, OCTOBER 24, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Rev. James Gurley, Minister, Highland Avenue Church of Christ, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Gaither	Howle	Patton
Allen	Golson	Hughes	Perry
Boutwell	Gulledge	Johnston	Quarles
Burnside	Hardwick	Kendall	Russell
Cater	Harvey	Kimbrell	Swift
Coleman	Henderson	Lowe	Weathers
Cooper	Hooton	Mize	Wright
Fite			

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JOURNAL

On motion of Mr. Cater the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVES OF ABSENCE

On motion of Mr. Mize leave of absence was granted Mr. Barrett for today.

On motion of Mr. Cater, leave of absence was granted Mr. Patterson for today.

On motion of Mr. Kendall, leave of absence was granted Mr. Lamberth for Military Leave.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills, begs leave to report that said Committee, in session has compared the following enrolled bill with the engrossed and original bill and finds same correctly enrolled, to-wit:

S. 49. To make an appropriation for the painting of the exterior of the State capitol.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

REPORTS OF COMMITTEES

Mr. Hooton, Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following

bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Gullledge:

S. 21. To regulate trafficking in poles, posts, logs, or parts thereof, whether growing or dead, standing or cut down: requiring vendors of poles, posts, logs, or parts thereof taken or severed from the lands of another to be licensed by the Department of Conservation; invalidating sales of such poles, posts, logs, or parts thereof, unless bills of sale are executed; imposing upon buyers the rule of caveat emptor as to such sales; defining violations of the Act and prescribing penalties therefor.

By Mr. Gullledge:

S. 19. To amend Section 272 of Title 47 of the 1940 Code, which relates to damages for destruction, injury, or removal of trees.

By Mr. Beck:

H. 61. To make it unlawful for any person to display, handle, exhibit or use any poisonous or dangerous snake or reptile in such a manner as to endanger the life or health of another, and prescribing the punishment for violation of this Act.

Mr. Henderson, Chairman of the Standing Committee on Finance and Taxation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Callahan and Shelton:

H. 87. To make an additional appropriation to the Board of Trustees of the Alabama Insane Hospitals for the use of the Alabama Insane Hospitals and the Partlow State School for Mental Deficients for the fiscal year ending September 30, 1951.

By Mr. Miller:

H. 62. To amend Section 1 of Act No. 301, S. 222, approved August 14, 1947, which Act makes annual appropriations to provide old age assistance to certain retired school teachers.

Mr. Russell, Chairman of the Standing Committee on Local Legislation reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pinkston:

H. 83. To amend Section 6 of Act No. 528, H. 992, approved September 2, 1949 (Acts of Alabama, 1949, page 819), which establishes a county-wide personnel system for all counties of the state having a population of not less than 100,000 and not more than 140,000 and for municipalities in such counties having a population of 5,000 or more.

By Messrs. Brown and Ward (with notice and proof):

H. 90. Relating to Lee County: To authorize the governing body of Lee County to levy and collect a privilege tax on all persons, corporations, firms, companies, agencies, and associations selling, delivering, withdrawing from storage, or keeping in storage for sale or delivery in such County, gasoline, naphtha, and other liquid motor fuel or any substitute therefor commonly used in internal combustion engines, but not including kerosene, fuel oil, or crude oil commonly used for lighting, heating, or industrial purposes; providing exemptions from such levy and for the use of the revenues derived from the tax; making the operation of the Act contingent upon the results of a referendum; directing

and requiring the county governing body to provide for holding an election relative to the levying of such tax.

By Messrs. Miller and Roberts (with notice and proof):

H. 92. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

By Mr. O'Neal (with notice and proof):

H. 81. To create a Board of Revenue for Jackson County; providing its powers and duties and for the compensation of its members; providing for the employment of a Supervisor of Roads; prescribing penalties for violations of this Act; and abolishing the Court of County Commissioners of Jackson County.

Mr. Boutwell, Vice-Chairman of the Standing Committee on Education reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Miller:

H. 80. To authorize the allocation and disbursement of Federal funds deposited in the State Treasury of Alabama for educational purposes to county and city boards of education to meet anticipated monthly current operation obligations in accordance with laws and regulations governing the expenditure of such funds as certified to by the State Superintendent of Education.

Mr. Cater, Chairman of the Standing Committee on Constitution and Constitutional Revision and Amendments reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Coburn:

H. 79. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Colbert County, validating Act No. 485 of the General Acts of the regular 1949 session of the Alabama Legislature.

The above bill was read a second time at length as required by the Constitution.

At 12:15 P. M., on motion of Mr. Henderson, the Senate took a recess for ten minutes.

Yeas 16; Nays 5.

Yeas:

Messrs.:	Gulledge	Johnston	Perry
Allen	Hardwick	Kendall	Russell
Boutwell	Harvey	Mize	Swift
Cater	Henderson	Patton	Weathers
Cooper			

—16

Nays:

Messrs.:	Fite	Hughes	Kimbrell
Coleman	Hooton		

—5

The recess period having expired, the Senate was called to order by Lieutenant-Governor Inzer.

MOTION TO TAKE FROM ADVERSE CALENDAR

In accordance with notice heretofore given, Mr. Hooton moved that the Resolution:

S. J. R. 16. BE IT RESOLVED BY THE SENATE, the House of Representatives concurring, that in accordance with the Amendment to the Constitution proposed by General Act No. 384 of the 1945 Legislature of Alabama and ratified by the people in the November 1946 election, each member of the Legislature, in addition to his travel allowance, shall be allowed expenses, other than actual expenses of traveling, incurred in the performance of his duties, the sum of \$10.00 per day; and the State Comptroller shall draw warrants in the sum of \$10.00 per day for eleven days to cover the expenses of each member of the Legislature, which expenses were incurred in the prior fiscal year. Said warrants to be drawn against the current appropriation to the Legislature for the fiscal year ending September 30, 1951.

be removed from the adverse calendar and placed on the regular calendar, which motion was adopted.

Yeas 18; Nays 8.

Yeas:

Messrs.:	Fite	Hooton	Perry	
Boutwell	Gaither	Howle	Quarles	
Burnside	Golson	Kendall	Russell	
Cater	Gulledge	Mize	Weathers	
Cooper	Harvey	Patton		—18

Nays:

Messrs.:	Hardwick	Hughes	Lowe	
Allen	Henderson	Johnston	Swift	
Coleman				—8

Mr. Hooton then moved that said resolution be adopted by the Senate, and S. J. R. 16 was adopted by the Senate.

Yeas 18; Nays 8.

Yeas:

Messrs.:	Fite	Howle	Perry	
Boutwell	Gaither	Kendall	Quarles	
Burnside	Golson	Kimbrell	Russell	
Cater	Gulledge	Mize	Weathers	
Cooper	Hooton	Patton		—18

Nays:

Messrs.:	Hardwick	Hughes	Lowe	
Allen	Henderson	Johnston	Swift	
Coleman				—8

BILLS ON THIRD READING

The Bill:

S. 69. Relating to Limestone County: To amend Section 3 of Act No. 121, S. 211 of 1947 (Local Acts of Alabama, page 79) as amended by Act No. 163, H. 564 of 1949 (General and Local Acts of Alabama 1949, page 190) which relates to the number and compensation of deputies appointed by the Sheriff of Limestone County.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

The Bill:

S. 68. Relating to Limestone County: To amend Section 2 of Act No. 120, S. 210 of 1947 (Local Acts of Alabama 1947, page 78) as amended by Act No. 68, S. 258 of 1949 (General and Local Acts of Alabama 1949, page 90) which relates to the employment of and compensation of a clerk for the Tax Collector of Limestone County.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

The Bill:

S. 67. Relating to Limestone County: To amend Section 2 of Act No. 201, H. 605 of 1947 (Local Acts of Alabama 1947, page 120) which relates to the number and compensation of chief clerk and assistant clerks appointed by the Probate Judge of Limestone County.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

The Bill:

S. 66. Relating to Limestone County: To amend Section 2 of Act No. 200, H. 604 of 1947 (Local Acts of Alabama 1947, page 119) as amended by Act No. 95, S. 264 of 1949 (General and Local Acts of Alabama 1949, page 121) which relates to the consolidation and combination of offices of the Circuit Clerk, Register of the Circuit Court, Clerk of the Limestone County Court and Register of the Limestone County Court of Limestone County, Alabama; and to provide for the election, term of office and compensation of a Circuit Clerk of Limestone County and for an assistant clerk and his compensation.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

The Bill:

S. 65. Relating to Limestone County: To amend Section 2 of Act No. 95, H. 395 of 1947 (Local Acts of Alabama 1947, page 67) as amended by Act No. 67, S. 257 of 1949 (General and Local Acts of Alabama 1949, page 88) which relates to the employment and compensation of a regular clerk and temporary clerk by and for the Tax Assessor of Limestone County.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

The Bill:

S. 74. Prescribing the compensation to be paid to members of the governing body in all cities in the State of Alabama having a population of not less than 50,000 people nor more than 75,000 people, according to the last or any succeeding regular decennial Federal Census, where such cities operate under the commission form of government; providing a method of payment of such compensation and providing the time when this Act shall become effective; and repealing all laws or parts of laws in conflict with the provisions hereof.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

The Bill:

S. 75. To extend, alter and rearrange the boundary lines and corporate limits of the City of Tuscaloosa, in Tuscaloosa County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment:

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

The Bill:

H. 64. To amend "An Act to establish a county court for DeKalb County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court, to provide for the transfer of certain causes now and hereafter pending in the Circuit Court and the Probate Court of DeKalb County, Alabama, to the cases pending in said DeKalb County Court to the equity side of the Circuit Court of DeKalb County, Alabama", acts No. 179, approved July 22, 1927, as amended, by amending Section 5 thereof to read as hereafter set out.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

The Bill:

H. 49. To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Assessor of the County.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Hughes	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

The Bill:

H. 48. To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Collector of the County.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Hughes	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays:

—0

The Bill:

H. 28. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Hughes	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays:

—0

The Bill:

H. 45. To impose extra, new and additional duties upon the President and associate members of the Board of Revenue of Covington County; to require an additional regular meeting of said board during each month; and to provide a monthly sum in payment of expenses for the performance of such extra duties and attendance upon said additional regular meeting.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays:

—0

The Bill:

H. 47. Relating to Colbert County, Alabama: To abrogate and abolish the criminal jurisdiction of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, and to provide for proceedings of such causes in the Colbert Law and Equity Court of Colbert County, Alabama.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Coleman	Hardwick	Patton	
Allen	Cooper	Kendall	Swift	
Boutwell	Fite	Kimbrell	Weathers	
Burnside	Gaither	Lowe	Wright	
Cater	Gulledge	Mize		—18

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Cater, further consideration of the bill, S. B. 60, was indefinitely postponed by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill:

S. 12. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Wallace:

H. 36. To create the State Medical Education Board; to prescribe its duties; and to provide for loans and scholarships to students desiring to study medicine.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which, is set out in the foregoing message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 36—To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills:

S. 42. For the relief of Mrs. Harry S. Parker as compensation for the death of her husband, Harry S. Parker, deceased, of Calhoun County, Alabama, as the result of injury received while he was in the line of and performing his duties as a road employee of Calhoun County, Alabama.

Also:

S. 52. To fix the salary of the Deputy Solicitor of Geneva County.

Also:

S. 55. To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling, with like provisions in said city, such State of Alabama taxes as are levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only fifty per cent (50%) of the State levy provided by subdivisions (a), (b) and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to provide the governing body of said city with authority to call and hold an election to submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

Also:

S. 40. Proposing an amendment to the Constitution of Alabama relating to Blount County, and ordering an election thereon.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolutions:

By Mr. Molette:

H. J. R. 25. Be it resolved by the House of Representatives, the Senate concurring, That Senate Bill No. 55 be known as the Quarles, Molette, Givhan, and Hardy Bill.

Also:

By Mr. White (Perry):

H. J. R. 26. WHEREAS, the State of Alabama is intensely interested in the development of all livestock and agricultural activities throughout the State; and

WHEREAS, Blonde Aim Susie, 1509217, a Jersey cow, owned and shown by Dr. Joseph D. Wilson and Mr. Jack R. Wilson, owners of Dutch Bend Farm at Autaugaville, Alabama, was shown at the All-American Jersey Show at Dallas, Texas, on October 19, 1950; and

WHEREAS, Blonde Aim Susie was adjudged All-American Champion at the aforesaid show which has brought honor to the State of Alabama by virtue of such victory and she has also commanded the attention and acclaim of the entire dairy world; and

WHEREAS Blonde Aim Susie, having reached the pinnacle in the Jersey World, and by so doing was awarded the Morrocroft Grand Champion Trophy and Rosette, together with the Middlebrook Farm Senior Champion Banner and Trophy.

BE IT THEREFORE RESOLVED by the House of Representatives of the Legislature of Alabama, the Senate concurring, that the two Houses extend their felicitations and thanks to Dr. Joseph D. Wilson and Jack R. Wilson, owners of the champion Blond Aim Susie, for their intense interest and perseverance which has reflected honor upon the livestock industry and the state as a whole.

BE IT FURTHER RESOLVED that Blonde Aim Susie be acclaimed, by this Legislature, as the winner of the first grand championship in the Coliseum at the Montgomery Dairy Cattle Exposition.

BE IT FURTHER RESOLVED that a picture of Blonde Aim Susie, of suitable size, be hung in the foyer of the Coliseum. Said picture to be selected and hung by the Agricultural Center Board.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Dr. Joseph D. Wilson and Mr. Jack R. Wilson, Dutch Bend Farm, Autaugaville, Alabama, and a copy of this resolution be spread upon the Journal of the two Houses.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The resolution, H. J. R. 25, set out in the foregoing message from the House, was concurred in and adopted by the Senate.

The resolution, H. J. R. 26, set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Hooton:

S. J. R. 16. Relative to allowing each member of the Legislature \$10.00 per day for eleven days, which expenses were incurred in the prior fiscal year.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

RECESS

At 1:10 P. M., on motion of Mr. Hardwick the Senate took a recess until 2:30 this afternoon.

Yeas 15; Nays 14.

Yeas:

Messrs.:	Coleman	Harvey	Mize	
Boutwell	Fite	Howle	Russell	
Burnside	Gaither	Jonnston	Summerlin	
Cater	Hardwick	Kimbrell	Swift	—15

Nays:

Messrs.:	Gulledge	Kendall	Quarles	
Allen	Henderson	Lowe	Weathers	
Cooper	Hooton	Patton	Wright	
Golson	Hughes	Perry		—14

AFTERNOON SESSION

NINTH LEGISLATIVE DAY

TUESDAY, OCTOBER 24, 1950

The Senate reassembled at 2:30 P. M., Lieutenant-Governor Inzer presiding.

ROLL CALL

Present:

Messrs.:	Gaither	Kendall	Quarles	
Allen	Gulledge	Kimbrell	Russell	
Boutwell	Hardwick	Lowe	Summerlin	
Cater	Henderson	Mize	Swift	
Coleman	Hooton	Patton	Weathers	
Cooper	Howle	Perry	Wright	
Fite	Hughes			—25

REPORTS OF COMMITTEES

Mr. Fite, Vice-Chairman of the Standing Committee on Judiciary reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Dumas:

H. 50. To provide that the tax anticipation bonds, warrants or certificates of indebtedness issued pursuant to a constitutional amendment proposed by Act No. 570 of 1949, General Acts of Alabama of 1949, pp. 897-899, submitted December 13, 1949, and proclaimed ratified December 21, 1949, are authorized investments for any fiduciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Larkins:

H. 84. To amend Section 298 of Title 52 of the Code of Alabama (1940), which relates to the minimum age at which children may enter school.

And sends same herewith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House was read one time and referred to appropriate Standing Committee as follows:

H. B. 84—To the Committee on Education.

RESOLUTION

The Rules Committee reported the following Senate Resolution, to-wit:

S. R. 24. BE IT RESOLVED BY THE SENATE that the following bills be made special, paramount and continuing order of business on the ninth legislative day, October 24, 1950:

S. 18.
H. 71.
H. 14.
H. 15.
H. 34.
H. 72.
H. 66.
H. 73.
S. 76.
H. 33.
H. 54.
H. 22.
S. 43.
S. 23.
S. 61.
H. 35.

Mr. Kimbrell offered the following amendment to the resolution, to-wit:

Amend Special Order S. R. 24 by adding S. B. 71, Page 14 after H. B. 35.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fite	Hughes	Perry
Allen	Gaither	Kendall	Quarles
Boutwell	Gulledge	Kimbrell	Summerlin
Burnside	Henderson	Lowe	Swift
Cater	Hooton	Mize	Weathers
Coleman	Howle	Patton	Wright
Cooper			

—24

Nays:

—0

Mr. Coleman offered the following amendment, to the resolution, as amended, to-wit:

Amend Special Order No. S. R. 24 by adding Senate Bill 15, Page 3 after S. B. 71, page 14.

Which was adopted.

And said resolution, S. R. 24, was then adopted by the Senate.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 26. Extending felicitations and thanks to Dr. Joseph D. Wilson and Jack R. Wilson, owners of the champion Blonde Aim Susie, for their intense interest and perseverance which has reflected honor upon the livestock industry and the state, and relative to selecting a picture of Blonde Aim Susie to be hung in the foyer of the Coliseum.

And said resolution was then adopted by the Senate.

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 17. Authorizing and directing Clerk of the House and Secretary of Senate to install air-conditioning on certain portions of the second floor of the State Capitol.

And said resolution was then adopted by the Senate.

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 13. Relative to the repeal of the Fourteenth Article of Amendment to the Constitution of the United States of America.

On motion of Mr. Coleman, said resolution was read and ordered to lay on the Secretary's desk.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to further consideration of the unfinished business which was the bill:

S. 10. To provide further regulations governing the administration of pardons and paroles and the remission of fines and forfeitures; providing for the employment of a Parole Clerk and making an appropriation for the payment of his salary.

The question was on the motion of Mr. Fite to remove the bill from the calendar and rerefer said bill to the Standing Committee on Judiciary, which motion was lost.

Yeas 10; Nays 15.

Yeas:

Messrs.:	Hardwick	Kimbrell	Russell	
Coleman	Hooton	Mize	Summerlin	
Fite	Howle	Perry		—10

Nays:

Messrs.:	Cooper	Hughes	Patton	
Allen	Gulledge	Johnston	Quarles	
Boutwell	Harvey	Kendall	Swift	
Cater	Henderson	Low	Wright	—15

Mr. Henderson then offered the following amendment to the bill, to-wit:

Amend S. B. 10 by striking out the words and figures:

"And no convict sentenced for one year and a day or less shall be eligible for parole" and insert in lieu therefor the following words and figures: "No convict sentenced for less than one year shall be eligible for parole until he serves six months and no convict sentenced for more than one year shall be eligible for parole, until he has served at least one year."

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Gulledge	Johnston	Perry
Allen	Hardwick	Kendall	Quarles
Boutwell	Harvey	Kimbrell	Russell
Cater	Henderson	Lowe	Summerlin
Coleman	Hooton	Mize	Swift
Cooper	Hughes	Patton	Wright

—23

Nays:

—0

And said bill, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 9.

Yeas:

Messrs.:	Gulledge	Johnston	Quarles
Allen	Harvey	Kendall	Summerlin
Boutwell	Henderson	Lowe	Swift
Cater	Hughes	Patton	Wright
Cooper			

—16

Nays:

Messrs.:	Hardwick	Kimbrell	Perry
Coleman	Hooton	Mize	Russell
Fite	Howle		

—9

Mr. Fite raised the point of order that the bill failed to receive the required constitutional majority, and the President and Presiding Officer of the Senate declared that the bill, S. B. 10, was lost for failure to receive the required Constitutional majority.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Quarles, further consideration of the Bill, H. B. 58, was indefinitely postponed by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session has compared the following Senate Joint Resolution with the original Senate Joint Resolution and finds same correctly enrolled, to-wit:

S. J. R. 16. Relative to members of the Legislature receiving \$10.00 per day for expenses.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested:

H. J. R. 25. Relative to designating S. B. 55 as the Quarles, Molette, Givhan, and Hardy Bill.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 28. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuscumbia in Colbert County, Alabama.

Also:

H. 45. To impose extra, new and additional duties upon the President and associate members of the Board of Revenue of Covington County; to require an additional regular meeting of said board during each month; and to provide a monthly sum in payment of expenses for the performance of such extra duties and attendance upon said additional regular meeting.

Also:

H. 47. Relating to Colbert County, Alabama: To abrogate and abolish the criminal jurisdiction of justices of the peace and notaries public ex-officio justices of the peace in Colbert County, Alabama, and to provide for proceedings of such causes in the Colbert Law and Equity Court of Colbert County, Alabama.

Also:

H. 48. To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Collector of the County.

Also:

H. 49. To authorize and direct the governing body of Dale County to pay the salaries of additional clerks for the Tax Assessor of the County.

Also:

H. 64. To amend "An Act to establish a county court for DeKalb County, Alabama; to define its jurisdiction and powers; to provide for its officers, their powers, duties and compensation; to provide that said court shall be open at all times for the trial of cases and transaction of business; to provide the rules and procedure of said court, to provide for the transfer of certain causes now and hereafter pending in the Circuit Court and the Probate Court of DeKalb County, Alabama, to the cases pending in said DeKalb County Court to the equity side of the Circuit Court of DeKalb County, Alabama", acts No. 179, approved July 22, 1927, as amended, by amending Section 5 thereof to read as hereafter set out.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MOTION TO EXPUNGE FROM RECORD

On motion of Mr. Swift, the Secretary was ordered to expunge from the record, the motion of Mr. Henderson to reconsider the vote by which the Senate passed the bill, S. B. 10, and then moved to lay on the table the motion to reconsider, the motion to table having prevailed.

Yeas 15; Nays 9.

Yeas:

Messrs.:	Cooper	Hughes	Patton
Allen	Gulledge	Johnston	Quarles
Boutwell	Harvey	Kendall	Swift
Cater	Henderson	Lowe	Wright

—15

Nays:

Messrs.:	Hardwick	Kimbrell	Perry
Coleman	Hooton	Mize	Russell
Fite	Howle		

—9

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill:

S. 53. To ratify, confirm and validate the allocation and distribution heretofore made by the State of Alabama Building Commission of the sum of \$65,000.00 to each of the Regional Tuberculosis Sanatoria located in District No. 1 at Decatur, Alabama and in District No. 4, Etowah County, Alabama.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Mr. Ingalls:

H. B. 88. To amend Section 542, Title 51, Code of Alabama, 1940, which relates to privilege licenses on laundried towels, aprons, etc., rented, and to provide for the retroactive effect thereof.

And ordered same sent forthwith to the Senate without engrossment.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 88—To the Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The bill:

S. 18. For the relief of J. L. Messer: To make an appropriation to J. L. Messer to compensate him for damages to his truck and to a load of watermelons which he was hauling resulting from a collision caused by the negligence of a convict operating a State truck.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nay 1.

Yeas:

Messrs.:	Gulledge	Hughes	Perry
Allen	Hardwick	Johnston	Quarles
Boutwell	Harvey	Kendall	Russell
Cater	Henderson	Kimbrell	Summerlin
Coleman	Hooton	Lowe	Swift
Cooper	Howle	Mize	Wright
Fite			

—24

Nay: Mr. Patton

—1

The bill:

H. 14. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Was read a third time at length and passed.

Yeas 25; Nays 2.

Yeas:

Messrs.:	Gaither	Hughes	Perry
Allen	Gulledge	Kendall	Quarles
Boutwell	Hardwick	Kimbrell	Russell
Burnside	Harvey	Lowe	Summerlin
Cater	Henderson	Mize	Weathers
Coleman	Hooton	Patton	Wright
Fite	Howle		

—25

Nays: Messrs. Johnston and Swift

—2

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Russell further consideration of the Bill, H. B. 71, was indefinitely postponed by the Senate.

RESOLUTION

Mr. Russell offered the following Senate Joint Resolution, to-wit:

S. J. R. 25. Be It Resolved by the Senate, the House concurring; that Senate Bill No. 53 be known as the Harris-Russell, Sullivan, Miller, Weaver, Stewart, Inzer, Coburn, O'Neal, Rogers, Roberts, Benford, Armstrong, Buckner and Morring.

And on motion of Mr. Russell the Rules were suspended and the resolution adopted by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills, begs leave to report that said Committee, in session has compared the following enrolled bills with the engrossed and original bills and finds same correctly enrolled, to-wit:

S. 12. To provide supernumerary solicitors of the state; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, tenure in office, duties, powers, authority, compensation, and the method of removal from office of such supernumerary circuit solicitors, and to appropriate funds for the payment of such compensation.

Also:

S. 40. Proposing an amendment to the Constitution of Alabama relating to Blount County, and ordering an election thereon.

Also:

S. 42. For the relief of Mrs. Harry S. Parker as compensation for the death of her husband, Harry S. Parker, deceased, of Calhoun County, Alabama, as the result of injury received while he was in the line of and performing his duties as a road employee of Calhoun County, Alabama.

Also:

S. 52. To fix the salary of the Deputy Solicitor of Geneva County.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

BILLS ON THIRD READING RESUMED

The bill:

H. 15. To provide legal counsel for the Chief Examiner and De-

partment of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

Was read a third time at length and passed.

Yeas 19; Nays 6.

Yeas:

Messrs.:	Coleman	Hughes	Perry	
Allen	Gaither	Kendall	Quarles	
Boutwell	Hardwick	Lowe	Russell	
Burnside	Hooton	Mize	Weathers	
Cater	Howle	Patton	Wright	—19

Nays:

Messrs.:	Harvey	Johnston	Swift	
Fite	Henderson	Summerlin		—6

The Bill:

H. 34. To provide old-age and survivors insurance for certain officers and employees of the State and local governments and making appropriations therefor.

was taken up.

Mr. Coleman offered the following amendment to the bill, to-wit:

Amend H. B. 34 as follows: Add to subsection (c) of Section 2 of said bill the following words: "provided, however, that the provisions of this act shall not apply to any officer who is elected by the people."

And on motion of Mr. Hardwick said amendment was laid on the table.

Yeas 21; Nays 5.

Yeas:

Messrs.:	Gaither	Hughes	Patton	
Allen	Gulledge	Johnston	Perry	
Boutwell	Hardwick	Kendall	Russell	
Burnside	Harvey	Kimbrell	Weathers	
Cater	Hooton	Mize	Wright	
Fite	Howle			—21

Nays:

Messrs.:	Lowe	Summerlin	Swift	
Coleman	Quarles			—5

Mr. Coleman also offered the following amendment to the bill, to-wit:

Amend H. B. 34 as follows: Add to Subsection (c) of Section 2 the following words: "provided, however, the provisions of this act shall not apply to any State officer who is elected by the people."

And on motion of Mr. Hardwick said amendment was then laid on the table.

Yeas 19; Nays 7.

Yeas:

Messrs.:	Cater	Gulledge	Hooton
Boutwell	Fite	Hardwick	Howle
Burnside	Gaither	Harvey	Hughes

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Johnston	Kimbrell	Patton	Weathers	
Kendall	Mize	Perry	Wright	—19

Nays:

Messrs.:	Coleman	Quarles	Summerlin	
Allen	Lowe	Russell	Swift	—7

And said bill was then read a third time at length and passed.

Yeas 26; Nay 1.

Yeas:

Messrs.:	Gulledge	Johnston	Quarles	
Allen	Hardwick	Kendall	Russell	
Boutwell	Harvey	Kimbrell	Summerlin	
Burnside	Henderson	Lowe	Swift	
Cater	Hooton	Mize	Weathers	
Fite	Howle	Patton	Wright	
Gaither	Hughes	Perry		—26

Nay: Mr. Coleman —1

The Bill:

H. 72. To increase the compensation of the State Auditor, the Secretary of State and the State Treasurer to the extent of \$1200.00 per annum.

Was read a third time at length and passed.

Yeas 24; Nays 3.

Yeas:

Messrs.:	Gaither	Hughes	Patton	
Allen	Hardwick	Johnston	Perry	
Boutwell	Harvey	Kendall	Quarles	
Burnside	Henderson	Kimbrell	Russell	
Cater	Hooton	Lowe	Weathers	
Coleman	Howle	Mize	Wright	
Fite				—24

Nays: Messrs.: Gulledge, Summerlin and Swift. —3

The Bill:

H. 66. To fix the salary of the State Superintendent of Education.

Was read a third time at length and passed.

Yeas 19; Nays 3.

Yeas:

Messrs.:	Coleman	Johnston	Perry	
Allen	Harvey	Kendall	Quarles	
Boutwell	Henderson	Lowe	Russell	
Burnside	Hooton	Mize	Weathers	
Cater	Howle	Patton	Wright	
				—19

Nays: Messrs.: Gulledge, Summerlin and Swift. —3

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 17. Relative to air conditioning the second floor of the State Capitol building.

Also:

H. J. R. 26. Relative to thanking Dr. J. D. Wilson and J. R. Wilson for their interest in livestock industry of the State, and resolving that a picture of Blonde Aim Susie, be hung in the foyer of the Coliseum.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Sellers:

H. J. R. 27. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING that when the two Houses adjourn today they do adjourn to meet Wednesday 10 a. m., and when they adjourn tomorrow, Wed. Oct. 25, 1950, they adjourn sine die.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 27, set out in the foregoing message from the House was read and referred to the Standing Committee on Rules.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Fite further consideration of the bill, S. B. 54, was indefinitely postponed by the Senate.

REPORT FROM RULES COMMITTEE

Mr. Swift, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 27. Relative to adjournment of the two Houses until tomorrow at 10 A. M. and when they adjourn tomorrow they adjourn sine die.

And said Resolution was then adopted by the Senate.

BILL ON THIRD READING

The Bill:

H. 13. Relating to the taxation of property owned and used by colleges: To exempt from taxes all property owned and used by colleges for housing students, faculty members or other employees of such colleges, and to exempt property owned by colleges for enlargement of campus or for new campus.

was taken up.

Mr. Boutwell offered the following substitute for the bill, to-wit:

Substitute for House Bill 13.

A BILL
TO BE ENTITLED
AN ACT

Relating to the taxation of property owned and used by colleges: To exempt from taxes all property owned and used by colleges for housing students, faculty members or other employees of such colleges, and to exempt property owned by colleges for enlargement of campus or for new campus.

Be It Enacted by the Legislature of Alabama:

Section 1. That all property owned and used by a college accredited by the Southern Association of Colleges and Secondary Schools or the Association of American Colleges for the purpose of housing students, members of the faculty or other employees of the college is exempt from taxation.

Section 2. That all property owned by such college and held for the bona fide purpose of being used for enlargement of a campus or for the development of a new campus is exempt from taxation.

On motion of Mr. Russell further consideration of the bill, H. B. 13, and pending substitute, was postponed until the next legislative day.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Hooton, further consideration of all Senate bills on the calendar was indefinitely postponed.

ADJOURNMENT

At 4:30 P. M. on motion of Mr. Quarles, and in accordance with Joint Resolution heretofore adopted, and pending further consideration of H. B. 13, the Senate adjourned until tomorrow, October 25, 1950 at 10 o'clock A. M.

TENTH LEGISLATIVE DAY

WEDNESDAY, OCTOBER 25, 1950

The Senate met pursuant to adjournment, Lieutenant-Governor Inzer presiding.

PRAYER

The session was opened with prayer by Rev. H. E. Wilson, Methodist Minister, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Clayton	Gulledge	Howle
Allen	Coleman	Hardwick	Kendall
Boutwell	Cooper	Harvey	Kimbrell
Burnside	Fite	Henderson	Lowe
Cater	Gaither	Hooton	Mize

Patterson
Patton

Quarles
Russell

Summerlin
Swift

Weathers

—26

JOURNAL

On motion of Mr. Cater the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

LEAVE OF ABSENCE

On motion of Mr. Mize, leave of absence was granted Mr. Barrett for today.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following Senate Bills with the engrossed and original Bills and finds same correctly enrolled, to-wit:

S. 53. To ratify, confirm and validate the allocation and distribution heretofore made by the State of Alabama Building Commission of the sum of \$65,000.00 to each of the Regional Tuberculosis Sanatoria located in District No. 1 at Decatur, Alabama and in District No. 4, Etowah County, Alabama.

Also:

S. 55. To empower the governing body of the City of Selma, Alabama, when authorized by a vote of the qualified electors of said city, to levy in said city, additional special privilege or license taxes paralleling, with like provisions in said city, such State of Alabama taxes as are levied by said State by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto, except that only fifty per cent (50%) of the State levy provided by subdivisions (a), (b) and (c) of said Section 753 shall be made and shall be collected by said city; to provide a lien in favor of the City against the property of taxpayers liable for such taxes and to make the provisions of the Revenue Laws of the State of Alabama applicable to the enforcement of such liens; to provide that taxes which may be levied hereunder shall constitute a debt due said City and to provide methods of collection; to provide for the collection of such taxes by the Treasurer of said city and for reports to be made by taxpayers liable for such taxes; to provide that the Treasurer of said city as to the collection of such taxes shall have the same powers, duties and obligations as are imposed upon the Commissioner of Revenue of the State of Alabama by Sections 752 through Section 786, Article 10 of Chapter 20 of Title 51 of the 1940 Code of Alabama, and amendments thereto; to provide for expenses of clerk hire and other expenses incurred by said city in collecting, handling and disbursing such taxes; to provide that the taxes which may be levied hereunder shall be in addition to all other licenses and taxes which may be levied by said city and a condition precedent to engaging in any business taxable hereunder, except as may be otherwise provided; to provide for the time and manner, method and provision for the collection of said taxes; to provide that such taxes which may be levied hereunder shall be added by the taxpayer to the sales price and collected from the purchaser on all sales affected hereby and to provide the method of determining the amounts to be added to sales and collected from the purchaser and to provide a penalty for failure or refusal to abide by such requirements; to provide for the allocation and use of the taxes which may arise hereunder; to provide penalties for failure to comply with the provisions of this act; and to

provide the governing body of said city with authority to call and hold an election to submit to the qualified electors of said city the question as to whether or not such taxes shall be levied, the length of time such taxes shall run and the rate thereof; to provide when this act shall go into effect.

R. G. KENDALL, JR.,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 34. To provide old-age and survivors insurance for certain officers and employees of the State and local governments and making appropriations therefor.

Also:

H. 66. To fix the salary of the State Superintendent of Education.

Also:

H. 72. To increase the compensation of the State Auditor, the Secretary of State and the State Treasurer to the extent of \$1200.00 per annum.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 14. Making an additional appropriation to the Department of Examiners of Public Accounts for the fiscal year 1950-51.

Also:

H. 15. To provide legal counsel for the Chief Examiner and Department of Examiners of Public Accounts and to make an appropriation to carry out the provisions of this Act.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolutions:

By Mr. Wallace:

H. J. R. 29. Be It Resolved by the House the Senate concurring that H. B. 34 be known and designated as the Wallace, Hardwick, Adams (Dale), Patton, Merrill, Kendall, White (Perry), Mize, Martin, Lovelace, Thomas and Brassell Bill.

Also:

By Mr. Dumas:

H. J. R. 28. Be It Resolved by the House of Representatives the Senate Concurring, that House Bill 62 be known as the Beck, Miller, Dumas, Burnside, Boutwell Bill.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 29, set out in the foregoing message from the House was concurred in and adopted by the Senate.

The Resolution, H. J. R. 28, set out in the foregoing message from the House was concurred in and adopted by the Senate.

BILLS ON THIRD READING

UNFINISHED BUSINESS

The Senate proceeded to further consideration of the unfinished business of yesterday, which was the bill:

H. 13. Relating to the taxation of property owned and used by colleges: To exempt from taxes all property owned and used by colleges for housing students, faculty members or other employees of such colleges, and to exempt property owned by colleges for enlargement of campus or for new campus.

And pending substitute, which substitute is set out in the Journal of the Senate for the Ninth Legislative Day.

Mr. Boutwell moved that he be granted unanimous consent to withdraw the substitute for the bill, which was adopted, and said substitute was withdrawn.

And said bill was then read a third time at length and passed.

Yeas 22; Nay 1.

Yeas:

Messrs.:
Allen
Boutwell

Burnside
Cater
Coleman

Cooper
Fite
Gaither

Gulledge
Hardwick
Harvey

Hooton	Kimbrell	Patton	Swift	
Howle	Mize	Russell	Weathers	
Kendall	Patterson	Summerlin		—22
Nay:	Mr. Quarles			—1

The bill:

H. 87. To make an additional appropriation to the Board of Trustees of the Alabama Insane Hospitals for the use of the Alabama Insane Hospitals and the Partlow State School for Mental Deficients for the fiscal year ending September 30, 1951.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fite	Howle	Patton	
Allen	Gaither	Kendall	Quarles	
Boutwell	Gulledge	Kimbrell	Russell	
Burnside	Hardwick	Lowe	Summerlin	
Cater	Harvey	Mize	Swift	
Coleman	Henderson	Patterson	Weathers	
Cooper	Hooton			—25

Nays:				—0
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The bill:

H. 83. To amend Section 6 of Act No. 528, H. 992, approved September 2, 1949 (Acts of Alabama, 1949, page 819), which establishes a county-wide personnel system for all counties of the state having a population of not less than 100,000 and not more than 140,000 and for municipalities in such counties having a population of 5,000 or more.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Cooper	Henderson	Patton	
Allen	Fite	Hooton	Quarles	
Boutwell	Gaither	Howle	Russell	
Burnside	Gulledge	Kendall	Summerlin	
Cater	Hardwick	Mize	Swift	
Coleman	Harvey	Patterson	Weathers	
				—23

Nays:				—0
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The bill:

H. 42. To repeal Act No. 263, S. 403, approved July 22, 1949 (Acts of Alabama, 1949, page 388), entitled "An Act To prohibit any person who carries mail under a contract with the United States from carrying passengers; to apply in and only in counties having a population of not less than 36,500 nor more than 42,400 inhabitants according to the most recent federal census."

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Boutwell	Cater	Gaither
Allen	Burnside	Fite	Gulledge

Hardwick	Kimbrell	Patterson	Russell	
Howle	Lowe	Patton	Weathers	
Kendall	Mize	Quarles		—18
<i>Nays:</i>				—0

The bill:

H. 46. Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Hardwick	Kimbrell	Russell	
Allen	Harvey	Mize	Summerlin	
Burnside	Henderson	Patterson	Swift	
Fite	Howle	Patton	Weathers	
Gaither	Kendall	Quarles		—18

Nays: —0

The bill:

H. 79. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Colbert County, validating Act No. 485 of the General Acts of the regular 1949 session of the Alabama Legislature.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fite	Hooton	Patton	
Allen	Gaither	Howle	Quarles	
Boutwell	Gulledge	Kendall	Russell	
Burnside	Hardwick	Kimbrell	Summerlin	
Cater	Harvey	Mize	Swift	
Coleman	Henderson	Patterson	Weathers	
Cooper				—24

Nays: —0

The bill:

H. 73. To amend Section 543 of Title 51, Code of Alabama (1940), which relates to privilege license, and provides for retroactive effect thereof.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Cooper	Henderson	Mize	
Allen	Gaither	Hooton	Patterson	
Boutwell	Gulledge	Howle	Patton	
Burnside	Hardwick	Kendall	Summerlin	
Cater	Harvey	Kimbrell	Swift	
Coleman				—20

Nays: —0

The bill:

H. 54. To make a transfer of funds appropriated to the use of the Legislative Reference Service for expenses to the Service's appropriation for salaries.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Fite	Howle	Patton	
Allen	Gaither	Kendall	Quarles	
Cater	Hardwick	Kimbrell	Russell	
Clayton	Harvey	Mize	Summerlin	
Coleman	Henderson	Patterson	Weathers	
Cooper	Hooton			—21

Nays: —0

CONSIDERATION OF SENATE JOINT RESOLUTION 13

The Senate proceeded to further consideration of the Resolution:

S. J. R. 13. Relative to repeal of the fourteenth Article of amendment to the Constitution of the United States.

Said Resolution was read and lost due to the fact that a quorum of the Senate was not voting.

Yeas 8; Nays 7.

Yeas:

Messrs.:	Cooper	Henderson	Quarles	
Cater	Harvey	Kendall	Swift	
Clayton				—8

Nays:

Messrs.:	Coleman	Patton	Summerlin	
Allen	Mize	Russell	Weathers	—7

Mr. Coleman moved that the Senate reconsider the vote by which the Resolution, S. J. R. 13, was lost and that the Resolution be ordered to lay on the Secretary's desk, which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Callahan:

H. J. R. 30. BE IT RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That House Bill No. 87 be known and designated as the Callahan, Shelton, and Mize Bill.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 30, set out in the foregoing message from the House was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 42. To repeal Act No. 263, S. 403, approved July 22, 1949 (Acts of Alabama, 1949, page 388), entitled "An Act To prohibit any person who carries mail under a contract with the United States from carrying passengers; to apply in and only in counties having a population of not less than 36,500 nor more than 42,400 inhabitants according to the most recent federal census."

Also:

H. 83. To amend Section 6 of Act No. 528, H. 992, approved September 2, 1949 (Acts of Alabama, 1949, page 819), which establishes a county-wide personnel system for all counties of the state having a population of not less than 100,000 and not more than 140,000 and for municipalities in such counties having a population of 5,000 or more.

Also:

H. 87. To make an additional appropriation to the Board of Trustees of the Alabama Insane Hospitals for the use of the Alabama Insane Hospitals and the Partlow State School for Mental Deficients for the fiscal year ending September 30, 1951.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

RESOLUTION

Mr. Weathers offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. Whereas the two Houses have heretofore invited the Maid of Cotton and Miss America to attend a legislative session, and the privileges of the floor have been extended to them; and

Whereas these invitations were extended to honor properly feminine beauty and charm, and to give the members an opportunity to gape a plenty at beautiful women; and

Whereas we have lauded the achievements of Blond Aim Susie, the All American Jersey, but have not accorded her the courtesy she is due; therefore

Be it resolved by the Senate, the House Concurring, That Blond Aim Susie be, and she hereby is, cordially invited to attend a bull session of the Legislature, and the privileges of the floor of both Houses are hereby extended to her.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 46. Relating to Cullman County: To change the method of compensating certain county officers, placing them on a salary, and providing for assistants, office space, and equipment for them.

Also:

H. 79. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Colbert County, validating Act No. 485 of the General Acts of the regular 1949 session of the Alabama Legislature.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

BILLS ON THIRD READING RESUMED

The bill:

H. 33. To appropriate an additional twenty-five thousand dollars to the Alabama Milk Control Board for the fiscal year ending September 30, 1951.

Was read a third time at length and passed.

Yeas 19; Nays 3.

Yeas:

Messrs.:	Coleman	Hooton	Mize
Boutwell	Fite	Howle	Patterson
Burnside	Gulledge	Kendall	Quarles
Cater	Hardwick	Kimbrell	Summerlin
Clayton	Henderson	Lowe	Weathers

—19

Nays: Messrs. Allen, Cooper and Patton

—3

The bill:

H. 92. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Burnside	Gulledge	Henderson
Allen	Cater	Hardwick	Hooton
Boutwell	Clayton	Harvey	Howle

Kendall	Lowe	Patton	Russell	
Kimbrell	Mize	Quarles		—18
<i>Nays:</i>				—0

The bill:

H. 61. To make it unlawful for any person to display, handle, exhibit or use any poisonous or dangerous snake or reptile in such a manner as to endanger the life or health of another, and prescribing the punishment for violation of this Act.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Coleman	Henderson	Patterson	
Boutwell	Cooper	Howle	Patton	
Burnside	Gulledge	Kendall	Quarles	
Cater	Hardwick	Kimbrell	Summerlin	
Clayton	Harvey	Mize	Weathers	—19

Nays: —0

The bill:

H. 35. To provide for educational benefits to children and widows of deceased veterans; to provide for educational benefits for the children, wives and veterans who are suffering from a 40% or more service-connected disability; and to provide for correspondence and extension courses for veterans.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Fite	Howle	Patton	
Boutwell	Gulledge	Kendall	Quarles	
Burnside	Hardwick	Kimbrell	Russell	
Cater	Harvey	Lowe	Summerlin	
Coleman	Henderson	Mize	Weathers	—22
Cooper	Hooton	Patterson		

Nays: —0

The bill:

H. 81. To create a Board of Revenue for Jackson County; providing its powers and duties and for the compensation of its members; providing for the employment of a Supervisor of Roads; prescribing penalties for violations of this Act; and abolishing the Court of County Commissioners of Jackson County.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Fite	Kendall	Patton	
Allen	Gaither	Kimbrell	Quarles	
Boutwell	Gulledge	Lowe	Russell	
Burnside	Hardwick	Mize	Weathers	—18
Cater	Howle	Patterson		

Nays:

—0

The bill:

H. 22. To amend Section 661 of Title 7 of the Code of Alabama (1940), which relates to the homestead exempted from administration and the payment of debts in favor of the widow and minor child or children; making the amendment retroactive.

Was taken up.

Mr. Hooton offered the following amendment to the bill, to-wit:

Amend House Bill No. 22 by inserting the words "by the Circuit Court in Equity" after the word "or" in line 28 on page 1 of said House Bill No. 22.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gaither	Hooton	Mize	
Boutwell	Gulledge	Howle	Patterson	
Burnside	Hardwick	Kendall	Patton	
Cater	Harvey	Kimbrell	Russell	
Clayton	Henderson	Lowe	Summerlin	
Fite				—20

Nays:

—0

Mr. Patton offered the following amendment to the bill, as amended, to-wit:

Amend H. B. 22 by striking the entire section 2 thereof.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Clayton	Harvey	Patterson	
Allen	Cooper	Henderson	Patton	
Boutwell	Fite	Howle	Quarles	
Burnside	Gulledge	Kendall	Russell	
Cater	Hardwick	Lowe	Summerlin	
				—19

Nays:

—0

And said bill, as thus amended, was then read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Cooper	Hooton	Patterson	
Allen	Fite	Howle	Patton	
Boutwell	Gulledge	Kendall	Quarles	
Burnside	Hardwick	Lowe	Russell	
Cater	Harvey	Mize	Summerlin	
Clayton	Henderson			—21

Nays:

—0

The bill:

H. 20. To authorize the Commissioner of Public Welfare to make or have made photographic reproductions of books, records, papers, or other documents required to be maintained or kept by the Department of Public Welfare or any subdivision thereof; and to authorize the Commissioner to dispose of any such books, records, papers, or other documents so photographed; and to provide that such photographs shall be retained in lieu of such documents; to provide that such photographic reproductions shall have the force and effect of the documents themselves, and to provide for the admission as evidenced by duly certified photostatic copies or other copies of the original microfilms, photostats, or other similar photographs; to provide for the repeal of all laws in conflict with this act; and to provide for the severability of the provisions of this act in the event that any part is declared to be null or void; and to provide the effective date of this act.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Cooper	Howle	Patton	
Allen	Gulledge	Kendall	Quarles	
Boutwell	Hardwick	Lowe	Russell	
Burnside	Harvey	Mize	Summerlin	
Cater	Henderson	Patterson	Weathers	
Coleman	Hooton			—21

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolution, your signature thereto is requested.

H. 54. To make a transfer of funds appropriated to the use of the Legislative Reference Service for expenses to the Service's appropriation for salaries.

Also:

H. J. R. 30. Relative to designating H. B. 87 as the Callahan, Shelton, and Mize Bill.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILL AND HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolutions, your signature thereto is requested.

H. 13. Relating to the taxation of property owned and used by colleges: To exempt from taxes all property owned and used by colleges for housing students, faculty members or other employees of such colleges, and to exempt property owned by colleges for enlargement of campus or for new campus.

Also:

H. 73. To amend Section 543 of Title 51, Code of Alabama (1940), which relates to privilege license, and provides for retroactive effect thereof.

Also:

H. J. R. 28. Relative to designating House Bill 62 as the Beck, Miller, Dumas, Burnside, Boutwell Bill.

Also:

H. J. R. 29. Relative to designating H. B. 34 as the Wallace, Hardwick, Adams (Dale), Patton, Merrill, Kendall, White (Perry), Mize, Martin, Lovelace, Thomas and Brassell Bill.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 33. To appropriate an additional twenty-five thousand dollars to the Alabama Milk Control Board for the fiscal year ending September 30, 1951.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Wallace:

H. J. R. 32. Be it Resolved by the House, Senate Concurring that H. B. No. 36 be named Wallace, Mize, Fite, Patton Bill.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 32, set out in the foregoing message from the House was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Roberts:

H. J. R. 31. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that a Committee of six (6), three members of the House to be appointed by the Speaker of the House, and three members of the Senate to be appointed by the Presiding Officer of the Senate, to wait upon the Governor and inform him that the Legislature now stands ready to adjourn sine die and awaits any further message that he might desire to transmit.

And the Speaker has named on the part of the House Messrs. Roberts, Merrill, and Shirley.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 31, set out in the foregoing message from the House was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate named as Committee on part of the Senate Messrs. Hooton, Fite, and Gullledge.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Beck:

H. J. R. No. 33. Be it resolved by the House the Senate Concurring that House Bill No. 61 be known as the Beck-Burnside bill.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 33, set out in the foregoing message from the House was concurred in and adopted by the Senate.

At 12:10 P. M., Mr. Patton moved that the Senate take a recess until 12:30 P. M., which motion was lost.

Yeas 8; Nays 15.

Yeas:

Messrs.:
Clayton
Coleman

Henderson
Howle

Lowe
Patterson

Patton
Quarles

Nays:

Messrs.:	Cater	Harvey	Mize
Allen	Fite	Hooton	Russell
Boutwell	Gulledge	Kendall	Summerlin
Burnside	Hardwick	Kimbrell	Weathers

—15

BILLS ON THIRD READING RESUMED

The bill:

H. 5. To provide for civil defense: Creating an Office of Civil Defense; providing for a Director of Civil Defense, prescribing his powers and duties; and creating an Advisory Committee to advise and assist the Director.

Was taken up.

Mr. Henderson moved that further consideration of the bill be indefinitely postponed.

Mr. Summerlin moved to lay on the table the motion to indefinitely postpone, which motion was lost.

Yeas 11; Nays 12.

Yeas:

Messrs.:	Fite	Hooton	Mize
Allen	Hardwick	Howle	Patterson
Burnside	Harvey	Kimbrell	Summerlin

—11

Nays:

Messrs.:	Coleman	Kendall	Quarles
Boutwell	Gulledge	Lowe	Russell
Cater	Henderson	Patton	Weathers
Clayton			

—12

The question then recurred on the motion of Mr. Henderson, and said motion to indefinitely postpone was lost.

Yeas 11; Nays 12.

Yeas:

Messrs.:	Cater	Gulledge	Lowe
Boutwell	Clayton	Henderson	Patton
Burnside	Coleman	Kendall	Quarles

—11

Nays:

Messrs.:	Harvey	Kimbrell	Russell
Allen	Hooton	Mize	Summerlin
Fite	Howle	Patterson	Weathers
Hardwick			

—12

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 35. To provide for educational benefits to children and widows of deceased veterans; to provide for educational benefits for the children,

wives and veterans who are suffering from a 40% or more service-connected disability; and to provide for correspondence and extension courses for veterans.

Also:

H. 61. To make it unlawful for any person to display, handle, exhibit or use any poisonous or dangerous snake or reptile in such a manner as to endanger the life or health of another, and prescribing the punishment for violation of this Act.

Also:

H. 81. To create a Board of Revenue for Jackson County; providing its powers and duties and for the compensation of its members; providing for the employment of a Supervisor of Roads; prescribing penalties for violations of this Act; and abolishing the Court of County Commissioners of Jackson County.

Also:

H. 92. To alter or re-arrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the Corporate limits of said City all territory now within such corporate limits and also certain other territory in Etowah County, Alabama.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

At 12:30 P. M., Mr. Patton moved that the Senate take a recess until 2:30 o'clock this afternoon, which motion was lost.

Yeas 9; Nays 14.

Yeas:

Messrs.:	Coleman	Lowe	Patton	
Cater	Henderson	Patterson	Quarles	
Clayton	Howle			—9

Nays:

Messrs.:	Fite	Hooton	Russell	
Allen	Gulledge	Kendall	Summerlin	
Boutwell	Hardwick	Kimbrell	Weathers	
Burnside	Harvey	Mize		—14

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted Senate amendment to the following bill:

By Mr. Beck:

H. B. 22. To amend Section 661 of Title 7 of the Code of Alabama (1940), which relates to the homestead exempted from administration

and the payment of debts in favor of the widow and minor child or children; making the amendment retroactive.

R. T. GOODWYN, JR.,
Clerk.

REPORT OF SPECIAL COMMITTEE

The Committee appointed under the provisions of House Joint Resolution H. J. R. 31, reported that the Governor desired to address a Joint Session of the Legislature at 12:40 P. M.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 20. To authorize the Commissioner of Public Welfare to make or have made photographic reproductions of books, records, papers, or other documents required to be maintained or kept by the Department of Public Welfare or any subdivision thereof; and to authorize the Commissioner to dispose of any such books, records, papers, or other documents so photographed; and to provide that such photographs shall be retained in lieu of such documents; to provide that such photographic reproductions shall have the force and effect of the documents themselves, and to provide for the admission as evidenced by duly certified photostatic copies or other copies of the original microfilms, photostats, or other similar photographs; to provide for the repeal of all laws in conflict with this act; and to provide for the severability of the provisions of this act in the event that any part is declared to be null or void; and to provide the effective date of this act.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 32. Relative to designating H. B. No. 36 as the Wallace, Mize, Fite, Patton Bill.

Also:

H. J. R. 33. Relative to designating H. B. No. 61 as the Beck-Burnside bill.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed

the foregoing House Joint Resolutions; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Thagard:

H. J. R. 34. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that H. B. 33 be named the Thagard, Kendall, Henderson, Lowe, Thompson (Crenshaw), and Summerlin Bill.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 34, set out in the foregoing message from the House was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The bill:

H. 50. To provide that the tax anticipation bonds, warrants or certificates of indebtedness issued pursuant to a constitutional amendment proposed by Act No. 570 of 1949, General Acts of Alabama of 1949, pp. 897-899, submitted December 13, 1949, and proclaimed ratified December 21, 1949, are authorized investments for any fiduciary.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Kendall	Quarles	
Allen	Hardwick	Lowe	Russell	
Boutwell	Henderson	Mize	Summerlin	
Cater	Hooton	Patterson	Weathers	
Clayton	Howle	Patton		—18

Nays: —0

The bill:

H. 62. To amend Section 1 of Act No. 301, S. 222, approved August 14, 1947, which Act makes annual appropriations to provide old age assistance to certain retired school teachers.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Kendall	Quarles	
Allen	Hardwick	Lowe	Russell	
Boutwell	Henderson	Mize	Summerlin	
Cater	Hooton	Patterson	Weathers	
Clayton	Howle	Patton		—18

Nays: —0

JOINT SESSION

The hour of 12:40 P. M., having arrived and in accordance with the provisions of H. J. R. 31, the Senate retired to the Hall of the House of Representatives for the purpose of hearing an address by His Excellency, the Governor.

The Joint Session was called to order by Lieutenant-Governor Inzer.

Thereupon His Excellency, Honorable James E. Folsom delivered his address to the Legislature of the State of Alabama.

The purposes of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by Lieutenant-Governor Inzer.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 22. To amend Section 661 of Title 7 of the Code of Alabama (1940), which relates to the homestead exempted from administration and the payment of debts in favor of the widow and minor child or children; making the amendment retroactive.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILL

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following joint resolution:

By Mr. Harris:

H. J. R. 35. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Acts, resolutions of this session of the Legislature be bound with the next regular session of the Legislature.

And sends same herewith to the Senate for its consideration.

R. T. GOODWYN, JR.,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 35, set out in the foregoing message from the House was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills and House Joint Resolution, your signature thereto is requested.

H. 50. To provide that the tax anticipation bonds, warrants or certificates of indebtedness issued pursuant to a constitutional amendment proposed by Act No. 570 of 1949, General Acts of Alabama of 1949, pp. 897-899, submitted December 13, 1949, and proclaimed ratified December 21, 1949, are authorized investments for any fiduciary.

Also:

H. 62. To amend Section 1 of Act No. 301, S. 222, approved August 14, 1947, which Act makes annual appropriations to provide old age assistance to certain retired school teachers.

Also:

H. J. R. 34. Relative to designating H. B. 33 as the Thagard, Kendall, Henderson, Lowe, Thompson (Crenshaw), and Summerlin Bill.

R. T. GOODWYN, JR.,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following joint resolution:

By Mr. Russell:

S. J. R. 25. Relating to Naming Senate Bill No. 53.

And returns same herewith to the Senate.

R. T. GOODWYN, JR.,
Clerk.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Bills and Senate Joint Resolutions delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. J. R. 9 Delivered to the Governor, October 13, 1950 at 10:30 A. M.
S. J. R. 12 Delivered to the Governor, October 13, 1950 at 10:30 A. M.
S. J. R. 15 Delivered to the Governor, October 13, 1950 at 12:05 P. M.
S. J. R. 17 Delivered to the Governor, October 18, 1950 at 12:25 P. M.
S. J. R. 5 Delivered to the Governor, October 20, 1950 at 11:05 A. M.
S. J. R. 18 Delivered to the Governor, October 20, 1950 at 11:05 A. M.
S. J. R. 20 Delivered to the Governor, October 20, 1950 at 11:05 A. M.
S. J. R. 21 Delivered to the Governor, October 20, 1950 at 12:10 P. M.
S. J. R. 22 Delivered to the Governor, October 20, 1950 at 12:10 P. M.
S. B. 49 Delivered to the Governor, October 24, 1950 at 12:20 P. M.
S. J. R. 16 Delivered to the Governor, October 24, 1950 at 3:10 P. M.
S. B. 12 Delivered to the Governor, October 24, 1950 at 3:55 P. M.

S. B. 42 Delivered to the Governor, October 24, 1950 at 3:55 P. M.

S. B. 52 Delivered to the Governor, October 24, 1950 at 3:55 P. M.

S. B. 40 Delivered to the Secretary of State, October 24, 1950 at 4:00 P. M.

S. B. 53 Delivered to the Governor, October 25, 1950 at 10:25 A. M.

S. B. 55 Delivered to the Governor, October 25, 1950 at 10:25 A. M.

J. E. SPEIGHT,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in session, has carefully examined the Journals of the Senate for the Eighth, Ninth and Tenth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

V. S. SUMMERLIN,
Chairman.

COMMITTEE REPORT

On motion of Mr. Summerlin, the foregoing report was concurred in and the Journals of the Senate for the Eighth, Ninth and Tenth Legislative Days approved by the Senate.

ADJOURNMENT

At 1:20 P. M., on motion of Mr. Clayton, the Senate adjourned Sine Die.

J. C. INZER,
President and Presiding Officer of the Senate.

Attest:

J. E. SPEIGHT,
Secretary.

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FIFTH EXTRAORDINARY SESSION

1950

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ACTS AMENDED

- Subsection 1, Sec. 1, Act No. 522, H. 52, approved Sept. 2, 1949, relating to appropriations to Governor's office. S. B. 13, page 7.
- State Retirement System, Sec. 5, Act 515, H. 93, approved July 9, 1945. S. B. 27, pages 9, 59.
- Act 500, S. 618, approved Aug. 30, 1949, relating to compensation of City Commissioners. S. B. 60, pages 59, 87, 167.
- Act 179, approved July 22, 1927, Sec. 5, S. B. 64, pages 119, 132, 165, 175.
- Sec. 2, Act No. 95, H. 395, 1947 Acts relating to Limestone County. S. B. 65, pages 80, 98, 164.
- Sec. 2, Act No. 200, H. 604, 1947 Acts, relating to Limestone County. S. B. 66, pages 80, 97, 163.
- Sec. 2, Act No. 201, H. 605, 1947 Acts, relating to Limestone County. S. B. 67, pages 81, 97, 163.
- Sec. 2, Act No. 120, 1947 Acts, relating to Limestone County. S. B. 68, pages 82, 97, 163.
- Act 121, Sec. 3, S. 211, 1947 Acts relating to Limestone County. S. B. 69, pages 82, 97, 162.
- Act 607, Sec. 1, S. 202, approved Oct. 9, 1947, General Acts 1947, page 456 relating to Employees Retirement System. H. B. 74, page 125.
- Sec. 8, Act 323, approved August 2, 1949 relating to State Gas Tax Refund. S. B. 76, pages 97, 131.
- Sec. 7, Act 1, H. 46, approved May 22, 1945 relating to State Oil and Gas Board. H. 9, page 42.
- Sec. 1, Act No. 301, S. 222, approved Aug. 14, 1947, relating to Old Age Assistance to retired School Teachers. H. B. 62, pages 122, 160, 198, 200.
- Sec. 6, Act 528, H. 992, approved Sept. 2, 1949, relating to county-wide personnel system. H. B. 83, pages 141, 160, 185, 188.

ACTS REPEALED

- Act 685, approved Oct. 3, 1947. S. B. 36, pages 32, 85.
- Act 500, S. 618, approved August 30, 1949 (Acts of Ala. 1949, page 725) relating to compensation to governing bodies. S. B. 73, page 83.
- Sec. 19 A, Act No. 563, H. 380, 1949 Acts, pp. 883-891 relating to Public Education. S. B. 77, page 97.
- Act 333, H. 815, approved Sept. 5, 1939, Local Acts 1939, pp. 221-225, relating to Winston County. H. B. 19, pages 39, 121, 154, 157.
- Act No. 263, S. 403, approved July 22, 1949, Acts of Ala. page 388, relating to mail carriers. H. B. 42, pages 126, 132, 185, 188.

ALABAMA BEVERAGE CONTROL BOARD

Prohibiting any alcoholic beverage except malt or brewed from being sold except in State operated stores. S. B. 24, pages 8, 37.

ALABAMA INSANE HOSPITAL

Appropriation for same. H. B. 87, pages 141, 185.

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